

# 5

## Writs of Assistance in Massachusetts

Having secured its army in America, the Grenville administration proceeded to a comprehensive plan of enforcing its mercantilist restrictions and imposing its imperial power. The various regulations, so long a dead letter because of the policy of salutary neglect, were now to be imposed in all their rigor. The Navigation Act, the Wool Act, the Hat Act, the Sailcloth Act, the Iron Act, the White Pine Act, the particularly crippling Molasses Act—all were now to be enforced and some to be strengthened and updated.

Actually the first crisis of tightened enforcement had begun earlier during the French and Indian War. The Crown was frantically trying to stamp out the flourishing illegal commerce with the French and Spanish West Indies. To this end, the government ordered the customs officers in Massachusetts to use "general writs of assistance," that "terrible menacing monster" as John Adams labeled it. The writs of assistance authorized customs officers to break into and enter warehouses, stores, and even private homes, to search for smuggled goods without having to present any grounds for reasonably suspecting contraband to be there. In short, warrants could be general rather than specific, and a virtual *carte blanche* was given to the customs officers (who needed to be accompanied only by a local constable) to invade private property at will. In contrast, "special writs of assistance" (as in common law or in present-day "search warrants") required specific evidence to be presented to a judge before the writs could be issued. The Massachusetts merchants, the citizens most harassed by these writs, did not protest the original writs issued from 1756 on, but they became alarmed by the petition of customs officers to renew the writs after the death of George II in October 1760. Under a British law these general writs automatically expired six months after the death

of a king; a renewal would continue writs of assistance long past the end of the war and throughout the reign of the new king. Besides, the end of the war was already clearly on the horizon.

The threat to liberty and property was evidently serious, and sixty-three Boston merchants banded together to oppose renewal of general writs. The merchants retained as their lawyers Oxenbridge Thacher and James Otis, Jr., who was in this capacity to assume the leadership of the new Popular Party, or "Smugglers Party," in the colony. It was Otis who, according to the charge of the Tories, "first broke down the barriers of government to let in the Hydra of rebellion." To take up the cause, Otis resigned a lucrative post as the king's advocate general of the Boston Vice Admiralty Court, where he had been engaged in prosecuting such merchants. In hearings before the Massachusetts Superior Court in February 1761, Otis soared beyond narrow legalisms to base his opposition on unconstitutionality, and on the right of the courts to supersede an unconstitutional act of Parliament; and beyond even that to base his opposition to general writs on the law of man's nature. Otis based his ultimate argument on the great early-seventeenth-century liberal Chief Justice Coke's declaration—even then falling into disuse under the pressure of Tory statism—that "when an act of Parliament is against common right and reason . . . the common law will control it and adjudge such act to be void." As Otis declared: "An act against the Constitution is void; an act against natural equity is void; and if an act of Parliament should be made . . . it would be void."

Although the majority of the judges of the superior court agreed with Otis and stood ready to prohibit general writs, Chief Justice Thomas Hutchinson managed to persuade the court to uphold the writs and to continue them in force. The Massachusetts legislature passed a law in February 1762 prohibiting colonial courts from issuing general writs, but Governor Francis Bernard vetoed the bill.

Despite this veto, the furor over writs of assistance died down for a few years, since they were not used again until 1766. However, the agitation catapulted Otis into the leadership of the Popular Party. Massachusetts now split into two camps: the "Court" or Prerogative Party headed by Thomas Hutchinson and the Tory Governor Bernard, and the liberals headed by James Otis, Jr. and Samuel Adams. Hutchinson, a wealthy Boston merchant, was lieutenant governor, president of the Council, and chief justice, and gathered power into the hands of himself and his friends. He dominated the executive, legislative, and judicial functions in Massachusetts and used them to erect a formidable political machine and to control the province. Shortly after his speech against general writs, Otis was sent by Boston to the House and became head of the liberal party. Otis was motivated partly by revenge; the Prerogative Party had passed over his father, James Sr., Speaker of the House, for preference to the chief-justice post in favor of the nonlawyer Hutchinson.

Samuel Adams was Otis's righthand man in whipping up agitation among the people. Adams' father, Samuel ("Deacon") Adams, had himself been a wealthy Boston merchant and brewer, and a leader of the popular liberals. Now the younger Adams, an impoverished Boston officeholder, showed himself to be a consummate radical-liberal agitator. Adams obtained an M.A. from Harvard in 1743, and while there he read deeply such liberal or republican thinkers as John Locke, James Harrington, and Samuel Pufendorf. His M.A. address declared it lawful to resist superior magistrates to preserve the commonwealth.

Adams employed as his major political arm the recently founded newspaper, the *Boston Gazette*, as well as several eager political clubs of Boston: the Boston Caucus Club, which packed town offices; the Merchants Club; the Monday Night Club; and the Boston Masonic Society. The clubs met either in the garret of one of their members or in a Boston tavern. Taverns, the centers of meeting and discussion, were critical in Massachusetts politics in that era, and the tavernkeeper was a power in local politics. Sam Adams' Boston Caucus Club, for example, met regularly at the Green Dragon Tavern. At the other end of the cultural spectrum, Otis also mobilized allies, not the least being the "Black Regiment" of Congregational ministers, who lent spiritual force to the new ideologies. Particularly ardent in this movement was the Reverend Dr. Samuel Cooper, the pastor of Samuel Adams.

# 6

## The White Pine Act

Although the furor over writs of assistance had temporarily died down by 1763, the comprehensive Grenville program for enforcing and strengthening the mercantilist restrictions was soon put into effect.

One important step was the sudden enforcement of the White Pine Act. The restrictive White Pine Act had scarcely been enforced by Benning Wentworth, surveyor of the King's Woods and governor of New Hampshire, for over twenty years. Suddenly, in 1763, Wentworth seized over two thousand white pine logs in western Massachusetts, and charged in admiralty court that the trees were legally reserved to the Crown. The nearly impossible task of the owners was to *prove* that the logs had come from trees growing within township boundaries in New Hampshire, for all other logs were legally reserved for royal use. Hundreds of white pine logs were also seized in Connecticut. Ironically, very few of the pine logs thus confiscated were suitable for use by the Royal Navy, and the great majority soon would have rotted away if they had not been cut for timber. Wentworth's zeal was spurred by the new general enforcement program, and also by a desire to cripple the timber operations of Wentworth's new Connecticut rival in the trade, Jared Ingersoll.

Enforcement of the White Pine Act quickly reactivated the ardent hostility of New England colonists to Crown policies. Wentworth's deputies were threatened with beatings and assassination by the people of Massachusetts, and the local justices of the peace refused to aid or protect the deputies in enforcing the law, despite the orders of their governor.

## Molasses and the American Revenue Act

Of all the mercantilist measures that had not been enforced before 1763, perhaps the most important was the Molasses Act of 1733. This act had provided for a prohibitive duty of sixpence a gallon (amounting to 100 percent) on the import of foreign molasses, in order to grant inefficiently produced British West Indies sugar a monopoly of the American market. The molasses trade was vital to the North, which could sell its staples in the West Indies in exchange for molasses. The molasses could be used either as a sweetener or to produce rum, which could be then sold at home or exported. The illegal molasses trade was largely with the French West Indies (Guadeloupe, Martinique, San Domingo) and the Dutch West Indies (Surinam, St. Eustatius). Of all the illegal commerce, the molasses trade was the most benevolently "indulged" by the customs officials. Domestic vessels were openly permitted to import foreign molasses on payment of a negligible duty, most of which was pocketed personally by the officials, as well as fresh fruit and wine directly from southern Europe. The duty charged in this way usually amounted to less than a half penny per gallon. This open indulgence put the molasses trade on a footing far different from that of most imports from Europe or the East Indies, which had to be smuggled secretly.

During the Seven Years' War, attempts were made, especially by Pitt, to suppress trading with the enemy, but the molasses trade also flourished with the islands captured from the French in the later years of the war. In March 1763, Charles Townshend, new president of the Board of Trade, attempted to lower the official molasses duty to twopence a gallon and to enforce it strictly, in order to be able to tax the colonies. We have seen, however, that Parlia-

ment rejected the plan, and the old salutary indulgence for molasses was quickly resumed. The postwar salutary neglect, alas, proved short-lived. In the first place, Parliament decided, in May 1763, to use a good part of the British navy as a powerful instrument of enforcement of the trade laws. As an incentive to the naval officers, the ships and cargoes seized by them for illegal trade were now to be sold by the courts at auction, with the proceeds divided equally between the officers themselves and the Crown. Twenty British warships with over two thousand men were assigned to this task. Absentee colonial customs officers were ordered back to America to assume their posts, and the colonial governors, as well as the commander in chief, were ordered to render all possible assistance.

At first it seemed to the relieved merchants that the molasses trade would still be indulged, and John Temple, the chief customs officer for the northern colonies, gave reassurances to that effect. But the customs commissioners dashed these hopes in November, by threatening all American customs officers with instant dismissal for any laxity in enforcing the law. In response, Temple, at the end of the year, gave notice that customs officials would board all the vessels in the West Indian trade to execute fully the Molasses Act of 1733. Governor Francis Bernard of Massachusetts wrote that this notice caused a greater alarm in America than had the French capture of Fort William Henry six years before. And not only the merchants but the rest of the public began to denounce customs officers for restricting the natural rights and liberties of the people. The term *Tory* now came into common use to designate the advocates of imperial aggrandizement over America. The British West Indies planters, in contrast, were highly gratified, especially since they made sure that *their own* illegal trade with the Spanish West Indies would continue to be "indulged."

The Molasses Act was scheduled to expire in 1764, and so the Massachusetts merchants took the opportunity to bring pressure against renewal of the law. The merchants and traders of Boston, Salem, Plymouth, and Marblehead petitioned the Massachusetts legislature in December against renewal, and a committee of Boston merchants presented a detailed economic argument against the duty. Particularly concerned were the Massachusetts fishermen, whose low-grade product depended on the West Indies market. The Massachusetts legislature backed up the motion against renewal, and stressed that a lower duty strictly enforced would introduce the dangerous principle of parliamentary taxation of the colonies' trade. (The previous laws were deemed *trade restrictions* rather than revenue measures, as Townshend's proposal would be.)

Connecticut merchants, led by Gurdon Saltonstall and Jared Ingersoll, filed a petition against enforcement or renewal of the Molasses Act, and the March session of the legislature sent a protest to England. A committee of Philadelphia merchants asked the same of the Pennsylvania legislature, but the agitation came too late to have any effect.

Many merchants helped organize the opposition by writing to associates or correspondents in the colonies. The most fully developed example was a letter of January 1764 written by a committee of Boston merchants to merchants in Rhode Island and Connecticut, rousing them to the cause. The merchants called on their fellows to "unite our endeavors" and to "defeat the iniquitous schemes" of the West India interest—"these overgrown West Indians." The letter inspired the merchants and traders of Newport and Providence to call for and obtain a special session of the Rhode Island legislature for January. The legislature decided to send to England a remonstrance, which constituted the first official American protest against renewal of the Molasses Act. The remonstrance pointed out that Rhode Island did a flourishing trade in molasses, importing almost as much as Massachusetts. For its supplies it was dependent on the non-British West Indies. Rhode Island had over thirty distilleries processing the molasses into rum, much of which was traded to West Africa for slaves, who in turn were sold to the British West Indies and the southern colonies.

In January 1764, New York merchants, inspired by a letter from Nicholas Brown of Providence, chose a committee that issued a proclamation against enforcement of the molasses duty; the committee pointed to the wide West Indian market for New York agricultural staples, and to the manufacture from molasses of beer and rum, the latter vital to the Indian trade. The merchants' protest was later approved by the New York legislature and sent to England. During February, New York and Philadelphia merchants were also in correspondence about joining New England's protests, and a committee of Philadelphia merchants petitioned the Pennsylvania Assembly to oppose the renewal.

This movement of pressure by merchants in the northern colonies was the first case of intercolonial pressure on England in behalf of colonial rights and liberties. It was, however, totally unsuccessful; in fact, by the time the pressure was fairly under way, the Crown had introduced the American Revenue Act (also called the Sugar Act), in the spring of 1764. The London agents of the northern colonies (including Jasper Mauduit from Massachusetts and Richard Jackson from Pennsylvania and Connecticut) were remarkably quiet, being willing to settle for a duty of twopence and thus to abandon the principle of no English taxation upon the colonies. But the Revenue Act, as introduced in March and passed quickly in April—to take effect at the end of September—imposed the crushing duty of threepence a gallon on foreign molasses, and promised a rigorous enforcement. The Revenue Act passed easily because of Newcastle's continuing anxiety not to alienate Pitt and thus to keep a united opposition. A few members of Parliament mildly urged reduction of the duty to twopence, but only John Huske, an MP from Malden who had spent his early life in New England, opposed the American Revenue Act *in toto*. Huske, it should be noted, had been newly elected the previous year by the agitation of the radical John Wilkes movement.

An important factor in the abject collapse of British opposition to the new molasses duty was the failure of the London agents of northern colonies to press opposition *in principle* to the molasses duty. They confined their opposition to urging a somewhat lower duty. Particularly grave was the defection of Richard Jackson, who also held the critically influential post of private secretary to Prime Minister Grenville.

Richard Jackson was an old and close friend of Benjamin Franklin, and the two had co-authored an important imperialist pamphlet during the war with France. As an old friend and a member of the Pennsylvania Assembly's committee of correspondence, Franklin embodied the American position as far as Jackson was concerned. Yet Franklin raised no protest over the Revenue Act or against stationing a standing army in the colonies. Indeed, Franklin went so far as to welcome the "steady protection" and "security" of a British standing army. Franklin also reacted blithely to the plans to tax the colonies. In fact, he even offered a helpful suggestion for a tea tax for raising revenue from America.

Much of the responsibility for Jackson's attitude and for the easy passage of the new Sugar Act must therefore be laid at the door of Benjamin Franklin. Franklin's soft attitude toward the Crown and imperialism was certainly not unconnected with his own bureaucratic post as deputy postmaster general of the American colonies, or with his son William's royal appointment as governor of New Jersey.

In addition to the threepence duty on molasses, the American Revenue Act of 1764 provided for: a continued duty on foreign raw sugar and an increased rate on refined sugar; higher import duties on foreign textiles, coffee and indigo; much higher duties on Madeira and Canary wines; double duties on foreign goods imported from England; prohibition of imports of foreign rum or French wines; and the addition of iron, hides, whale parts, raw silk, and potash and pearl ash to the "enumerated list" imposed by the Navigation Acts. A particularly important provision crippled the intercolonial trade. No goods could be shipped from one American colony to another without a detailed registration with and permission from a royal customs officer. Furthermore, every vessel had to put up an expensive bond on each trip for paying duty on foreign molasses. The requirement of a detailed registration and listing of goods (or "cocket") imposed particular hardships on small vessels engaged in local trade. Chief Justice William Allen of Pennsylvania wrote in November 1764 of the plight of a typical owner of a small boat on the Delaware River carrying a load of wood for iron from New Jersey to Philadelphia. He now was forced to go forty miles out of his way to the nearest customhouse to make out his manifest, "the charge of which and his traveling makes this burden intolerable." Before the Revenue Act, small vessels carrying nonenumerated products in the coastal trade had not been forced to gain customs clearance. The cocket requirement also permitted Britain to

begin the enforcement of the restrictive Wool Act of 1699, the Hat Act of 1732, and the Sailcloth Act of 1736, which had been virtual dead letters for many years.

Another provision of the American Revenue Act proved extremely irritating to the colonists. Despite the incentive of acquiring a share of the loot, naval officers had been reluctant to confiscate the goods of alleged smugglers, being deterred by a healthy fear of the common-law rule of personal liability for damages to any owner found innocent of the charge. Personal liability for arresting officers was a superb way of making governmental officials extremely careful about invading someone else's property. Now the Revenue Act virtually removed this deterrent and opened a broad channel for injustice, by limiting the owner's damage claims to twopence if the officer could prove "probable cause" for the unjust seizure. And if the trial judge did not certify probable cause, even a minority of the customs board could now reimburse the naval officer for paying damages.

Critical to the British campaign of strict enforcement of the trade laws was the aggrandizement of the vice admiralty courts. The Act of 1696 had established vice admiralty courts for the colonies. These courts possessed jurisdiction over violations of the trade laws. The judges were appointed by the royal governors, and were able to decide cases themselves, without granting the accused the benefit of trial by jury. In the common-law courts where trial was by jury, the juries generally acquitted smugglers and violators of the trade laws as a matter of principle. Before the Revenue Act of 1764, however, the vice admiralty courts were not intolerably oppressive for the colonists. For one thing, the Crown decided that the admiralty courts did not have jurisdiction over enumerated products or importations of goods from Europe. This was firmly established by the Privy Council in 1743 in the *Archibald Kennedy* case. It was there decided that only the navigation laws prohibiting foreign ships came under admiralty jurisdiction. Secondly, of course, the policy of salutary neglect gave the courts little work in any case.

The American Revenue Act changed all this. First, the law made crystal clear that the admiralty courts had jurisdiction over all trade and revenue law violations. Second, the new law authorized the creation of a new admiralty court specifically covering all colonial trade violations. Before 1764, each court was limited in jurisdiction to its own colony. At the urging of Admiral Lord Colville, commander of the British North American fleet, a new overall admiralty court was set up in the fall of 1764 in the raw little military-run town of Halifax, Nova Scotia. Halifax was the headquarters of the North American fleet, but remote from the center of American commerce. Dr. William Spry, husband of a niece of William Pitt, was appointed judge of the court. The Englishman Spry ominously contrasted to the other vice admiralty judges, who were all American colonials. Lord Colville had frankly written that admiralty court judges in the major colonies might be influenced by the pressure of

jobs or of their neighbors; but this pressure would be avoided by conducting trials in far-off Halifax.

Admiral Colville's warnings were not simply hypothetical; they were based on the solid experience of existing vice admiralty courts, which indeed were under the influence of the merchants and the pervasive smuggling trade. During the French and Indian War, the three judges who successively served in the Charleston Vice Admiralty Court were unmistakably in league with the merchants of the town. Charleston had arisen during the war as a center for trade with the French West Indies, to which it was nearer than any other American port. Not surprisingly, the vice admiralty court judge in Charleston after 1761 was Councillor Egerton Leigh, formerly a lawyer for many of the merchants in the illegal trade and a close friend of the leading merchants of the town. Leigh was usually able to find a way to rule for the accused merchant.

In Philadelphia Judge Edward Shippen ruled in favor of the illegal "flags-of-truce" method of trading with the enemy. In New York City the vice admiralty judge before his death in 1762 was Lewis Morris, Jr., who was notoriously partial to the harassed merchants, often waiving jurisdiction of their cases. In fact, the New York customs officers were moved to complain of Morris's partiality to their superiors in England; to these zealots, Morris was little better than the colonial juries of the common-law courts. In 1762, Morris was succeeded by his son Richard, formerly a lawyer for accused merchants and a deputy admiralty judge in New Jersey.

Rhode Island was a great and flourishing center of illegal trade, helped by its self-governing charter, by which the governor and all other officials—except the appointed royal customs officers and admiralty judges—were democratically elected. When the war with France began, the Rhode Island merchants decided that they could control the vice admiralty court better if the colony had an admiralty court of its own, rather than a mere branch of Massachusetts courts. The Rhode Islanders not only quickly obtained their own court, but even persuaded the king to appoint their own choice as admiralty judge: the Providence planter Colonel John Andrews. When Andrews forgot his true role and shifted toward the Crown, the whole Rhode Island political structure put pressure on Andrews and brought him into line. In fact, the independent and individualist Rhode Island merchants publicly proclaimed the advantages of trading with the enemy, and quoted the Magna Carta against enforcing the trade acts.

In Massachusetts, the former customs collector for Boston, Benjamin Barons, cashiered for accepting payment for not enforcing the navigation laws, led the merchants during 1761 in an all-out legal attack on the admiralty courts. The merchants took successful action in the common-law courts to hold customs officers liable for damages to property, and to recover money for the sale of confiscated property.

Thus, by 1763, the enforcement procedures of the trade acts were pleasantly lax, inefficient, and hobbled—not the least of the causes being the partiality of the admiralty judges for the merchants' problems. Hence the imposition of the super admiralty court at Halifax.

A third vital change in enforcement procedures was effected in the admiralty courts: the amazing provision that the onus of proof would henceforth lie on the accused rather than on the officer who seized his property.

Thus, only a little more than a year after the end of the war with France, a comprehensive network of expanding and strengthening enforcement of the trade acts was imposed upon the colonies: the end of salutary neglect; revenue from molasses duties; new commodities on the enumerated lists; use of the British navy in force to apprehend smugglers and violators; use of general writs of assistance by customs officers in Massachusetts; a thoroughgoing expansion of jurisdiction of the vice admiralty courts, and the establishment of an overall colonial admiralty court in remote Halifax; the granting of one-half of the loot from the seizure of the goods of the accused to the arresting naval officers; placing the burden of proof on the defendant rather than on the arresting officer, and removing the latter's common-law liability for damages for false arrest; and the coerced registration of bills of lading ("cocks"), hampering small vessels in the coastal trade.

Most of the enforcement provisions of the Revenue Act had been proposed by the commissioners of customs, and had been specifically drawn up by John Tyton, their solicitor, and Robert Yeates, chief clerk in the Treasury. The only opposition within the royal bureaucracy was expressed by William Wood, secretary to the commissioners. Wood, an elderly holdover from the Newcastle era, was clearly out of step with the new dispensation of aggressive Tory imperialism.

# 19

## Passage of the Stamp Act

Upon introducing the American Revenue Act in Parliament in March 1764, George Grenville strongly hinted that a stamp tax on the colonies might become necessary. He asked for postponement of any such tax for a year, but still induced Parliament to resolve that it "may be proper" to levy the tax. By doing this, Grenville carefully paved the way for a stamp tax the following year, prepared the colonies for the severe blow, and put Parliament on record of its constitutional right to levy such a tax. In this way, he shrewdly brought Parliament's strong sense of its own unchecked prerogatives into play while presumably allowing time to soften the blow for the colonies.

Grenville tried to cover his tracks and assume a mask of benevolence by hinting to, but never officially informing, the Americans that he was willing to listen to alternative modes for the colonists to raise the money themselves. But preparations for a stamp tax proceeded apace. We have already seen the leading role of Henry McCulloh in drafting a proposed stamp act in late 1763, and now Grenville assigned Thomas Whately, secretary of the treasury, the task of drawing up the bill. In this task, Whately was aided by McCulloh. Too, Grenville was particularly enchanted with the idea of a stamp tax; it would be uniform throughout the colonies, affecting not only merchants in seaport towns but farmers as well. Moreover, it would be in a sense self-executing, since instead of search and seizure for contraband goods, every document and paper would require a specially stamped paper the citizen would have to buy himself. As early as August 1764, the Earl of Halifax, the powerful secretary of state for the Southern Department, sent a circular letter to all the colonial governors announcing the parliamentary resolution for a potential stamp tax, and asking for a list of instrumentalities and transactions that

might require a stamp. On the basis of the replies, Whately prepared a detailed list of stamp duties, and the list was approved by the Treasury Board in mid-December. The die for a stamp tax had been cast. Most of the proposed rates were lower than those of the English stamp tax, since the rates could later be raised after the Americans had become accustomed to the tax. But the taxes on entry into college and to the bar were far higher than in England (the taxes for matriculation and college degrees were set at two pounds in America, but two shillings in England; for entry to the bar, ten pounds in America and six pounds in England). Whately's reason for setting such high rates in America was brutally frank: "It would be better indeed if they were raised . . . considerably in order to keep mean persons out of those situations in life which they disgrace."

While these preparations were secretly under way, the colonies did their best to explore Grenville's hint that he would forgo a stamp tax if the colonists were willing to raise an equivalent sum themselves. But when Grenville met with the colonial agents in mid-May 1764, he pushed aside the crucial question of how much he wanted the colonies to pay to England. Dismissing the possibility of self-taxation, he proposed instead that they simply give their advance approval to the stamp tax. So much for the sincerity of the Grenville offer! When Israel Mauduit, representing Massachusetts, gently asked how the colonies could possibly give advance approval to a bill they knew virtually nothing about, Grenville answered that the details were unimportant since the bill was to follow the model of the stamp tax in England. It was clear that Grenville was interested only in securing an advance blank check from the colonies, and not in soliciting any colonial criticism of his plan.

Yet the bemused colonial agents could not bring themselves to face the iniquity of George Grenville, and they clung to the hope that his hinted offer had been genuine. The Boston members of the Massachusetts Assembly asked Governor Bernard for a special session to forestall an English stamp tax by imposing one themselves. Bernard realized that no such alternative tax could be enacted until the Crown decided how much it wanted the colonies to pay—a disclosure it kept refusing to make. In fact, many of the colonies, including Franklin-Galloway-dominated Pennsylvania, signified a willingness to tax themselves any sum that might be requested. But the Crown, of course, never bothered to make such a request. Grenville's state of mind at this point has been acutely summed up by the Morgans:

It is evident . . . that Grenville was determined upon a stamp tax. Though he was willing to make magnanimous gestures, he had no intention of allowing the colonies to prevent passage of his measure. . . . They would not thwart him by levying a substitute tax themselves; by withholding the necessary information he made sure of that. Nor would he be troubled by the objections: thanks to his foresighted resolution he could safely predict Parliament's unsympathetic reaction here. Grenville must have felt com-

fortably satisfied with all his maneuvers. He made it useless for the colonies to attempt any action to avert the tax, and yet he had carried out his interview so smoothly, and expressed his affection for the colonies so convincingly, that the agents did not perceive . . . the hopelessness of their efforts.\*

In addition to a few pathetic efforts to appease Grenville by offering to tax themselves, many colonies sent protests against any projected stamp tax along with their reactions to the Sugar Act. The Connecticut resolution of May–June 1764, selecting a committee of protest, singled out a stamp tax as the gravest threat on the horizon. The South Carolina House’s instruction of protest, in August, against the American Revenue Act singled out a stamp tax for special hostility. And the Rhode Island legislature’s protest of November was confined to “stamp duties and other internal taxes.”

Colonial protests, general and specific, against a stamp tax came not only from official bodies but from private sources as well. Jared Ingersoll, an influential Tory lawyer from Connecticut and one of that province’s agents to England, warned Whately in the summer of 1764 that the people were “filled with the most dreadful apprehension” over any stamp tax. Ingersoll warned of the great difficulty that would be met in collecting a tax that was “in the opinion of most of the people contrary to the foundation principles of their natural and constitutional rights and liberties.” Even some of the wealthiest citizens, he added, threatened to emigrate in the event of such a tax. The other colonial agents joined in the advance agitation, but the protests only succeeded in hardening the Crown’s determination to put the annoying colonies in their supposedly appointed place. The agitation also made it easier to appeal to Parliament’s sensitivity to its own power and right to impose such a tax.

By early 1765 the year of grace was over, the colonists had presumably had time to absorb the shock, and the Crown was set to ram the hated stamp tax down the throats of the colonies. A last-minute attempt to head off the stamp bill occurred on February 2, at a conference between four official and unofficial colonial agents and George Grenville. The four agents—Charles Garth, MP, agent for South Carolina; Richard Jackson, now agent of Connecticut, Pennsylvania, and Massachusetts; Benjamin Franklin; and Ingersoll—made a final try at appeasement by offering a self-imposed tax by the colonies. Jackson voiced a common and perceptive colonial fear that the Crown would be able to use colonial funds to support its armed forces and the royal governors in America, and thus free the governors from the Assembly control so precious to the colonies. Grenville replied with the same hocus-pocus and double-talk of the year before, now revealed as patently insincere.

But Benjamin Franklin proved indomitable in his determination to toady

\*Edmund S. and Helen M. Morgan, *The Stamp Act Crisis*, rev. ed. (New York: Collier Books, 1963), pp. 83–84.

to the Crown. Franklin had three alternative plans of his own devising to offer—each of which would have yielded to the principle of English taxation of the colonies, and each of which would also have aggrandized central imperial control at the expense of American home rule. One was a cute way to make a mockery of the principle of colonial self-taxation: to provide some colonial representation in Parliament. A second was to return to his imperialist and centralizing Albany Plan of 1754, which would have imposed a royally appointed American council to levy taxation on the colonies. A third plan—which Franklin strongly urged—called on Parliament to establish a single loan office in America to issue a common colonial paper currency, part of which would go to Britain as a hidden and therefore less provocative form of taxation on the colonies. In that way, centralization and imperial control in America could make giant strides; paper-money inflation would recover nicely from the hard blow of Parliament's rather restrictive Currency Act of the previous year; and Franklin, if luck went his way, would have a healthy share in the lucrative contract for printing the new paper issues. Indeed, Franklin persuaded his old friend, former governor Thomas Pownall of Massachusetts, to propose the plan and to present it jointly with him to Grenville. Pownall and Franklin also eagerly offered their services in the well-paying task of putting their grandiose scheme into operation.

Thomas Pownall incorporated Franklin's proposal into the second edition of his influential book, *The Administration of the Colonies*, originally published in 1764. In view of Pownall's close collaboration with Franklin, it is instructive to note the views expressed in Pownall's work on imperial-colonial relations. Pownall's crucial objective was to reimpose imperial control by making the governors and other Crown officials independent of the elected assemblies for their salaries. Without such independence, the officials' actions would remain subservient to the people of the colonies. The means to accomplish this end would be the levying of a British tax on the colonies, which tax could then be used to pay the salaries of the Crown officials. In that way, the American colonists themselves would be forced to pay for the subversion of their own rights by the British rulers. A neat trick indeed!\*

But Grenville scorned evasions and halfway measures. Sure of victory in Parliament and anxious to smash signs of self-reliance in the colonies, Grenville finally introduced a stamp bill into Parliament on February 6, 1765.

Opposition to the bill in the Commons was mobilized by the hard-core Whigs. The Whigs did their best, but were demoralized by the recent death of their leader, the Duke of Devonshire, and by one of the periodic bouts of insanity of William Pitt, who held the narrow view that Parliament should

\*On Pownall's goals and strategy, see Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (Ithaca, N.Y.: Cornell University Press, 1955), pp. 201-3. On Franklin's plotting with Pownall, see Verner W. Crane, *Benjamin Franklin and a Rising People* (Boston: Little, Brown, 1954), p. 109.

not impose *internal* taxation on the colonies. The early opposition was led by Alderman William Beckford, from the City of London, who alone and courageously denied the right of Parliament to tax the colonies. The others were content, doubtless for strategic reasons if no other, to deny the equity and expediency of the tax. The most eloquent and famous speech was delivered by the old Wilkite Colonel Isaac Barré. Barré had advocated no tax, or if a tax, at least the opportunity for the colonies to tax themselves. He had been answered by the renegade Whig Charles Townshend, who loftily and arrogantly asked: "And now will those American children planted by our care, nourished by our indulgence until they are grown to a degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy . . . burden. . . ?"

Barré now rose and spontaneously gave a superb and prophetic rebuttal, one soon to resound throughout the American colonies:

They planted by *your* care? No! Your oppression planted 'em in America. They fled from your tyranny to a then uncultivated and inhospitable country—where they exposed themselves to almost all the hardships to which human nature is liable . . . actuated by principles of true English liberty, they met all these hardships with pleasure, compared with those they suffered in their own country, from the hands of those who should have been their friends.

They nourished by *your* indulgence? They grew by your neglect of 'em: as soon as you began to care about 'em, that was exercised in sending persons to rule over 'em, in one department and another . . . sent to spy out their liberty, to misrepresent their actions and to prey upon 'em; men whose behavior on many occasions has caused the blood of those sons of liberty to recoil within them. . . .

They protected by *your* arms? They have nobly taken up arms in your defense, have exerted a valour amidst their constant and labourious industry for the defense of a country, whose frontier, while drenched in blood, its interior parts have yielded all its little savings to your emolument. And believe me, remember I this day told you so, that same spirit of freedom which actuated that people at first, will accompany them still. . . . The people I believe are as truly loyal as any subjects the King has, but a people jealous of their liberties and who will vindicate them, if ever they should be violated—but the subject is too delicate and I will say no more.

Beckford and Barré moved to block consideration of the bill, but were defeated by a vote of 245–49. The bill itself came to debate in mid-February, as several Whigs tried desperately to present petitions against the stamp tax. Rose Fuller, a West Indies merchant, presented a petition of London merchants reflecting their alarm at drastic action that might be taken by their American debtors; Charles Garth, agent for South Carolina, worked up a petition that he induced a few South Carolinians to sign; Richard Jackson pre-

sented a Connecticut petition, but Parliament refused to hear any of them on the ground that the petitions questioned Parliament's authority. No one dared to introduce the New York petition, which was deemed "dangerous" and "inflammatory"; but the petition of Virginia's agent was submitted by a leading Whig, Sir William Meredith. Virginia's right to petition was defended by General Henry Seymour Conway, a Wilkite and the Whig leader in Commons, who had been one of the main Pelham innocents "massacred" at the end of 1762. Conway was the brother of the influential Lord Hertford and related to the Walpole family. Conway recalled that the colonies had been asked by Grenville to submit their proposals, and then he proceeded to deny the right of Parliament to tax the colonies at all. But Parliament, led by the renegade Whig Charles Yorke, rejected the Virginia petition by a large majority.

The rest was mere formality. The stamp bill easily passed Commons on February 27, the House of Lords on March 8, and became the law of the land on November 1.

The Stamp Act imposed a comprehensive schedule of taxes on all manner of colonial legal and commercial documents and transactions. These included court actions, wills, contracts, licenses, deeds and land grants, mortgages, insurance policies, ship clearings from ports, pamphlets, newspapers, dice, and playing cards. The highest tax was ten pounds for a license to practice law. Also extremely high was the tax of two shillings apiece for all newspaper advertisements—often amounting to a huge 200 percent tax. In addition, a steep tax of one-half penny was levied on each copy of the newspaper itself. All payments had to be made in English sterling or its equivalent, valued at the very high rate of five shillings sixpence per ounce of silver.

Almost every transaction of the colonies requiring the use of paper now had to carry an official treasury stamp. Or rather, all transactions must be conducted on officially stamped paper, which had to be purchased by the user from officially appointed distributors selected by the Crown's Board of Stamp Commissioners. The corollary effect of this was to give the board a monopoly of the sale of all paper in the colonies.

The Stamp Act thus had a devastating impact on virtually the entire economic and social life of the colony; in short, on nearly everyone. No tax could have been better calculated to inflame nearly *everyone* in the colonies regardless of location or social position. The particularly heavy taxes on the legal and the newspaper professions, as well as the taxes on tavern licenses, were certain to mobilize the intense opposition of the most articulate opinion-molding groups in the colonies. Even Benjamin Franklin was alarmed, being sure that the new taxes would destroy half the circulation and advertising of the American newspapers. There were other ominous provisions in the act. For one thing, no newspaper or pamphlet could be published without bearing the name of the printer or author, obviously in order to intimidate critics of gov-

ernment by forcing them to publicize their names. In another area, the Stamp Act imposed taxes on documents in ecclesiastical courts. The specter of an ecclesiastical court presided over by an Anglican bishop was thus conjured up to arouse the colonies.

The penalties were severe. Unstamped evidence was inadmissible in any court. Violations could be tried in the colonial admiralty courts without trial by jury—and especially subject to prosecution were officials or lawyers not using stamps, and any sales of unstamped pamphlets or newspapers. In contrast, government officials sued for enforcing the Stamp Act could automatically collect triple damages from their victims! The vice admiralty courts, hitherto largely the concern of merchants, were now hated by all groups in America. Whereas the Navigation and Sugar acts could conceivably if tortuously be interpreted as dealing with the sea and therefore relating to admiralty courts, the stamp tax obviously could not. Thus, constitutional and economic questions, violations of political (and perhaps religious) rights, and economic prosperity, all merged in the Stamp Act into one comprehensive and massive assault on the liberty, property, and well-being of the colonists in America. Great Britain had smashed at America with a mailed fist. The die was cast. The colonists were faced with a fateful choice: abject submission or open resistance.

# 20

## Initial Reaction to the Stamp Act

The time for mere protest had passed. The colonists were faced with a hard choice among a few stark alternatives. They could meekly submit and pay the stamp tax; but this, it soon developed, few Americans were prepared to do. Or, they could refuse to pay; but such refusal in turn could take two sharply contrasting paths. The conservative path was to keep within the law by simply ceasing to transact any business involving paper documents. But such a reaction, while "moderate" in the sense of remaining within the law, could only ruin the colony by bringing all trade and virtually all economic life to a halt. The only *practical* path was the radical one of outright defiance: to continue to carry on business, legal, and social life while ignoring the stamp law. Such a course was in effect mass civil disobedience; and civil disobedience to the broad scope of the stamp tax was tantamount to—revolution.

The colonies had some precious months before the law was to go into effect—time to work out their tactics and strategy, time to plan their reactions to the tax itself. The Stamp Act was passed in early March and received the inevitable signature of the king near the end of the month. The news reached America in April. The colonists had less than seven months to decide what to do.

All the conditions now existed in America for precipitating a revolutionary-crisis situation; in the midst of the rapidly accumulating, vast tinderbox of constitutional, economic, political, and even religious grievances, nothing could have been better calculated than a stamp tax to unify the bulk of the colonists against the British government and to spur the intense opposition of the opinion-molding groups in society. But now that the culminating blow had been struck, the final ingredient tossed in, one condition alone was still lacking: articulate leadership. This emphatically did *not* mean that leaders

were needed to *create* a revolutionary temper in the minds of the people. Contrary to the absurd conspiracy view of revolution, this is not the way that revolutions are or ever can be made. Ultimately, revolutions are mass phenomena, and cannot succeed without the support—indeed the active and enthusiastic support—of the great majority of the population. True, an existing government can indefinitely peg along in command of only the “support” of the passive resignation of the majority of its subjects. But the existing government is *already* in command of the power apparatus in society. In contrast, a revolution, an upheaval *against* the wielders of power, must command the active support of the great majority. Otherwise it will not even make a respectable showing, much less take and keep the reins of government. But the masses will not move, will not erupt, if they lack aggressive leaders to articulate their grievances and to point the path for them to follow. The leaders supply the necessary theoretical justification and analysis of the revolution’s short- and long-term goals. Unaided by leaders, the masses tend to accept each act of tyranny, not out of willing agreement, but from failure to realize that successful opposition can be mounted against the status quo. The articulation by the leaders is the final necessary spark that ignites the tinderbox of revolution.

At first, the general reaction was, naturally enough, a kind of numb despair and grudging resignation. In the beginning the colonists simply assumed that they would have to pay the stamp tax; open defiance seemed hopeless and out of the question. Only one or two scattered incidents broke the general colonial reaction of stunned silence. Many newspaper printers sullenly sent each other wooden shoes “as a proper badge of the slavery the Stamp Act must reduce all printers in America to.” The first thing to break the “silent consternation” was an article in the liberal *Providence Gazette* of May 11 under the pen name of “A Plain Yeoman.” The *Gazette* was the organ of retiring Governor Stephen Hopkins and it has indeed been intimated that the Plain Yeoman was none other than Hopkins himself.

The Plain Yeoman carried the theory of the protesting Americans to a far higher pitch, which was to resound and take hold in later years. After denouncing the parliamentary invasion of the American right to be free of English taxation, and castigating parliamentary refusal to hear American protests, the author went straight to the British charge that Americans were seeking independence. Here Plain Yeoman expounded the new theory that the colonies were indeed not dependents of Britain or the British Parliament; instead, America and Britain were only equal common subjects of the king. “I know of no *dependence* in relation, only that we are all the common subjects of the same King. . . .” The implication (though not yet openly asserted) was that Parliament had no right to impose any *legislation*—not merely taxation—upon the colonies.\* The independence of not being taxed without consent

\*A previous statement of this position appeared—also in the *Providence Gazette*—during the Sugar Act protest of the preceding August.

was to be maintained as part of the "birthright of all the King's free subjects without distinction."

The Plain Yeoman also leveled a brilliant blast against the argument of the Tories that various precedents already existed for parliamentary taxation of the colonists. He attacked the common legal notion that a precedent clearly establishes a point "whether the *precedent* be footed on justice and reason or on whim and arbitrariness." And here he quoted, as Hopkins was wont to quote, from the witty and perceptive *aperçus* of Dean Jonathan Swift: "It is a maxim among these men [lawyers], that whatever has been done before, may legally be done again, and therefore they take special care to record all the decisions formerly made, even those which have, through ignorance or corruption, contradicted the rules of common justice, and the general reason of mankind. These, under the name of *precedents*, they produce as authorities, and thereby endeavour to justify the most iniquitous opinions. . . ."

The ringing article of the Plain Yeoman drew some attention in the colonies and was reprinted in such papers as the *Maryland Gazette*, but it remained for a brief time an isolated expression. Meanwhile, a leader was about to arise in Virginia who was destined to blow the whole explosive situation apart.

# 21

## Patrick Henry Intervenes

Like other colonists, Virginians had no notion at first of how to meet the new situation; and by assuming that they simply *must*, they began to bear the new burdens with pacific resignation. The protests of the previous year had been unsuccessful; what was there now to do but submit? The powerful House of Burgesses, the elected lower house of the legislature, felt it could do nothing, and one by one the burgesses drifted back home as the House occupied itself with minor business. By the third week in May, only about a third of the burgesses remained, and a merchant of Falmouth, Virginia, reported that talk about the Stamp Act had "subsided much." Into this sleepy situation stepped a new member just admitted to the House, the brilliant young lawyer and orator Patrick Henry, Virginia's champion against the Anglican establishment in the Parsons' Cause battle. Admitted to the House on May 20, Henry quickly mobilized the young members against the naturally conservative and staid elder statesmen of Virginia's planter oligarchy.

In nine short days, Henry drafted and introduced five resolutions of vigorous protest against the Stamp Act. A furious debate ensued over the resolutions. The conservative and timid ruling planter oligarchy of the burgesses led by Speaker John Robinson, former Speaker Peyton Randolph, Judge John Randolph, Judge Wythe, Colonel Richard Bland, Edmund Pendleton, and Robert Carter Nicholas, furiously opposed the resolutions. Against them was arrayed a lesser group of landowners, to be sure, whose main distinction was relative youth and daring. Leading the Henry group were young Robert Munford and John Fleming. It was not that the older leadership in any sense favored the Stamp Act; it had led the protest of the year before and would not be particularly opposed to the revolutionary movement in later years. If

there was any "class struggle" involved here, it was largely a struggle of the "classes" of youth versus age, of daring versus a natural conservatism.

The highlight of the debates was a fiery speech by Patrick Henry, who impressed young Thomas Jefferson as appearing "to me to speak as Homer wrote." Henry cited the principles of English liberty and self-taxation as the fortress of freedom. Finally, Henry darkly and courageously laid down this famous warning: "Tarquin and Caesar each had his Brutus, Charles the First his Cromwell," and, as for George III, "he did not doubt that some good American would stand up, in favor of his country." Speaker Robinson indignantly exploded that this was "treason," as indeed it was to anyone who deemed the British king a proper sovereign thus "betrayed." Robinson also denounced the other members of the House for not stopping Henry's treasonable remarks earlier. Henry, seeing that tactically he had gone too far, apologized, protested his loyalty to the king, and attributed the error to his passionate interest in "his country's dying liberty." When other burgesses then moved to accept Henry's apology, Robinson finally dropped his clear threat to proceed against the young representative.

Although the five resolutions—the "Virginia Resolves"—were voted upon separately by the burgesses, they actually formed a coherent and related whole. The first two of Henry's resolutions merely asserted the rights of every Virginian to the time-honored liberties and privileges of Britons. The third resolution declared the vital principle of self-taxation by the colonists as essential to the British constitution. The fourth resolution pressed the colony's right to be governed solely by laws passed by their own consent and approved by the royal governor; in short, it denied the right of Great Britain to govern the colony's internal matters. All of these resolves were passed by the House of Burgesses on May 30 by a vote of 20 to 17. The fifth resolution was more sharply edged but was actually implied in the third. It resolved that therefore the "General Assembly of this colony have the *only and sole exclusive* right and power to lay taxes and impositions upon the inhabitants of this colony" (emphasis added). Any attempt to place that power elsewhere "has a manifest tendency to destroy British as well as American freedom. A bitter debate raged around this final, action resolution, which passed by the narrowest of margins, 20 to 19, with Speaker Robinson anxiously ready to vote nay should the vote be a tie.

The Henry radicals then offered two culminating resolutions. The sixth flatly declared that Virginians were therefore not obliged to obey laws not enacted by their Assembly—an evident call for civil disobedience to the stamp tax—whereas the seventh went so far as to label anyone maintaining the right of Parliament to tax the colonies a traitor and an enemy to the colony of Virginia. If the far milder fifth resolve could pass by only one vote, it is no surprise that these two were handily defeated.

At this point, Patrick Henry, thinking that the five resolves were safely

passed, made the grave tactical error of leaving for home. Taking advantage of Henry's departure, the old guard, on the next and final day of the session, moved to rescind all of the resolves and did manage to expunge the vital fifth resolution.

The conservatives had been able to defeat the sixth and seventh resolves and to expunge the fifth from the record of the House of Burgesses, but they were not able to keep any of them from the minds and hearts of the American people. News of the seven Virginia Resolves spread like wildfire through the colonies, providing the needed spark that aroused them from their stolid resignation to active resistance to the hated Stamp Act. By mid-June copies of the Resolves were being passed around in Philadelphia. From there they were sent to friends in Newport, and on June 24 the *Newport Mercury* became the first newspaper to publish these rousing and exciting resolutions. The other colonial papers quickly picked up the news from the *Mercury* and reprinted the Resolves.

Virginia's stirring example to the other colonies was not just the mild first four resolutions, but the entire seven, including the dramatic and fiery last three. The colonists, taking their cue from the *Newport Mercury* and all the other newspaper accounts, were under the firm impression that *all seven* resolutions had been passed by the House of Burgesses. This misunderstanding came about by a supreme irony: Joseph Royle, the reactionary editor of Virginia's only newspaper, the *Virginia Gazette*, was so offended by even the mild first four resolutions that he refused to print any of them. As a result, the papers in the other colonies could only receive their information unofficially, and Henry and his radicals, in a masterstroke of tactics, took care to feed all seven resolutions to the press as if they all had passed the House. As the Morgans have phrased it: "Henry and his friends, having failed to secure passage of their most radical items in the House of Burgesses, were able to get them passed unanimously in the newspapers. . . ."\*

The Virginia Resolves, aided by the Henrician codicils, were important less for themselves—that is, as protests by a colonial assembly—than as a clarion call to the American people. For in the final analysis, the colonial assemblies, protest all they might, could do nothing to defeat the stamp tax. And this would have been true even if the assemblies had taken the unlikely step of moving not to enforce the tax and moving to withhold the salaries of the judges who did so. For the enforcement officials were mostly royal officials, beyond the power of assemblies; especially out of reach were admiralty judges and customs officers. To be defeated now, the stamp tax would therefore have to be *nullified* by the direct action of the American people—by mass civil disobedience. The tax, in short, could not be actually resisted in the assemblies; it could only be resisted and nullified *in the streets*. Assembly resolves would be important now only as a call to revolutionary mass action.

\*Edmund S. and Helen M. Morgan, *The Stamp Act Crisis*, p. 132.

# 22

## Sam Adams Rallies Boston

The vital question, then, was what the reaction of the *people* of the several colonies would be to Patrick Henry's trumpet call. A preponderance of the people were clearly delighted. Most of the colonists found out about the Virginia Resolves by early July. By mid-August, Governor Francis Bernard of Massachusetts was warning the Crown that "two or three months ago I thought that this people would submit to the Stamp Act without actual opposition. . . . But the publishing of the Virginia Resolves proved an alarm bell to the disaffected." And the British general Thomas Gage, stationed in New York, called the Resolves, "The signal for a general outcry over the Continent."

But if most of the people were awakened and stirred by Henry and Virginia, who would lead them? For the masses cannot act without some form of organization and articulate leadership.

No help, of course, could be expected from the arch Tory and opportunist, Benjamin Franklin. Franklin, predictably, adjusted meekly and easily to the Stamp Act: "We might as well have hindered the sun setting . . . let us make as good a night of it as we can." Franklin proceeded to make a good night of it indeed. Having happily filled the colonial post office with his relatives, he advised his fellow colonial agents to get themselves or their friends appointed as stamp masters, the Crown officers in charge of distributing the stamps in the colonies. Acting on this advice, Jared Ingersoll, Connecticut's agent in London, accepted the post of Connecticut stamp master, and Franklin was able to get his henchman, John Hughes, appointed stamp master in Pennsylvania. Franklin's reaction, on reading the Virginia Resolves, is therefore not at all surprising. Denouncing the rashness of the Virginia leaders and the

madness of the populace, Franklin advised Hughes to act as a faithful and loyal servitor of the Crown in enforcing the stamp tax. And Franklin's friend and ally in dominating Pennsylvania politics, Joseph Galloway, wrote many newspaper articles in favor of the Stamp Act.

If no help was to be expected from such Tories as Franklin in rallying popular opposition to the Stamp Act, what of the popular liberal leaders? A grave problem was the defection of erstwhile and future radical-liberal leaders. Thus, stunned and temporarily alienated by the bold courage of Henry's Resolves, Alexander McDougall and John Morin Scott of New York, generally radical leaders of that colony, pronounced the Resolves to be treasonable.

But the major blow to the libertarian cause came in Massachusetts. There James Otis, Jr., long-time leader of the Boston liberals and sparkplug of American protest, began to defect from the liberal cause. Otis showed increasing signs of deviousness and instability, and perhaps of the insanity that was to plague him in later years. It is true that as early as June 8, when Massachusetts received word of the Stamp Act, Otis proposed that the Massachusetts Assembly send a circular letter to the other colonial assemblies inviting them to a general congress to be held in New York in October to ask Britain for relief. But, on the other hand, in May Governor Bernard had happily reported to the Crown that Otis "now repents in sackcloth and ashes" for writing *The Rights of the Colonies*, and that a new pamphlet of Otis's humbly begs Britain's pardon for his former stand.

Furthermore, Otis's call for a Stamp Act Congress was all well and good; but it would, after all, be another if larger Assembly ineffectually petitioning Parliament for relief. The important thing was the popular reaction to the Virginia Resolves, and here Otis showed his change of heart by denouncing them as treasonable. And while Otis erratically continued to denounce the British in anonymous contributions to the radical *Boston Gazette*, his public statements lauded the power of Parliament and went so far as to ask for British troops to put down the rebellious Americans. If salvation was to come, it would not be from James Otis or from a Stamp Act Congress.

Massachusetts and especially Boston had for years now been the great center of libertarian resistance to the depredations of Great Britain. But now its old spokesman, James Otis, was no longer fit to lead the liberal cause. Oxenbridge Thacher, who had written Massachusetts' original principled protest against the Sugar Act before being watered down by Hutchinson, exclaimed when he heard of the Virginia Resolves, "They are men!" And Thacher or a friend immediately wrote in the *Boston Gazette* a fervent defense of the Resolves against conservative Massachusetts critics:

The people of Virginia have spoke very sensibly, and the frozen politicians [of Massachusetts] . . . say they have spoke treason . . . pray gentlemen, is it treason for the deputies of the people to assert their liberties, or to give them away? . . . We have been told . . . that it is not prudence for us to

assert our rights in plain and manly terms. Nay, we have been told the word RIGHTS must not be once named among us! Cursed prudence of interested designing politicians!

But Oxenbridge Thacher lay on his death bed. Was there then no one to rouse the people, no one to lead the Boston masses into the streets to serve as the spearhead and vanguard of an American revolution against the Stamp Act? Yes, there was one man. If Otis was a dependable radical leader no more and if Thacher lay dying, there was still the magnificent Sam Adams.

Adams saw clearly that the real fight against the stamp tax would have to take place in the streets. He saw that the locus of pressure and unrest must be the appointed royal officials, the enforcers of the Stamp Act; in particular, that popular pressure should focus on the stamp distributors, the royal appointees who were in charge of selling the stamped paper and who were happily preparing to assume their lucrative posts.

In the early summer of 1765, Sam Adams gathered together a group of Bostonians to lead and direct the people of Boston in the streets. The group was called the Loyal Nine. Like the membership of Adams' Caucus Club, which comprised a cross section of the town's occupations from shipyard workers to wealthy merchants, the Loyal Nine was a diverse group. It included two distillers, Thomas Chase and the wealthy John Avery; Benjamin Edes, printer of the *Boston Gazette*, the liberals' party organ; small businessmen—artisans like the braziers Stephen Cleverly and John Smith, the jeweler George Trott; and Henry Bass, a cousin of Adams. The headquarters of the group was Chase's distillery at Hanover Square.

Adams rapidly worked out a remarkably efficient structure for the radical movement. The vulnerable public leaders of the fight—legislators, ministers, and others—were not directly identified with the popular mobs. The effective liaison and direction were maintained through the Loyal Nine led by Adams, even though he was not an official member. The Bostonian populace was unified into an effective force, with the various groups, from wealthy merchants to the bully boys of the taverns, playing complementary roles in the struggle. For the mass base of the popular mobs, Adams was able to utilize the gangs of the North End and of the South End of Boston. Every year on Guy Fawkes Day, or Pope's Day, November 5, Boston's celebration of the defeat of the Catholic Gunpowder Plot of 1605 was traditionally climaxed by a quasi-friendly but violent clash between citizens of the North End and the South End. In time, each section had developed a gang for this purpose and trained its members in paramilitary fashion to a finely honed edge. Every year, also, the quasi-friendly fighting became a bit bloodier. Particularly effective was the South End gang, which had been victorious in the 1764 brouhaha. The gang was headed by the shoemaker Ebenezer Mackintosh, whose South End forces totaled two thousand men.

Adams was able to press Mackintosh and the South End into action as his mass base, and by August 14 the radical liberals, smoothly organized by Adams, were ready to strike. Adams was ready to give the signal for the first mob action against the Stamp Act, a deed that set the pattern and furnished the inspiration not only for further riots against the stamps, but for all the riots down to the American Revolution.

Adams realized that the focus of attack must be the stamp master. On the morning of August 14, a Boston mob, directed by Adams and the Loyal Nine, hung an effigy of Andrew Oliver on a tree—dubbed the Liberty Tree—in Newbury Street. Oliver, a brother-in-law of the Tory lieutenant governor, Thomas Hutchinson, had been appointed stamp distributor in Massachusetts. Alongside Oliver hung in effigy the symbol of the hated Lord Bute—a large boot with an image of the devil crawling out of it.

The affair was a challenge flung at the royal government. Some of the shrewder members of the Council advised Governor Bernard to dismiss the whole episode as ostensibly a silly prank, but Bernard, furious at the hard-hitting attacks in the *Boston Gazette*, decided to accept the challenge. He was also advised to do so by Lieutenant Governor Hutchinson, an able theoretician and the chief beneficiary of the Tory cause in Massachusetts. As chief justice, Hutchinson ordered the sheriff to cut the effigy down, and the Council washed its hands of responsibility by turning the problem over to the sheriff.

There was a considerable slip, however, 'twixt order and execution. The sheriff, to his amazement and dismay, found that the effigy could be cut down only by risking the officers' lives at the hands of the populace.

The effigy was, so to speak, the opening gun of the struggle; the radicals now decided to hammer the point home. By evening, a large crowd had gathered at the Liberty Tree. They cut down the effigy and, bearing it up, began to march in a mock funeral procession. The mob included wealthy merchants, many disguised in the work clothes of a laborer, and was led by Ebenezer Mackintosh at the head of his South Enders. First the mob went to the Council building, where they made their presence felt, and where they shouted the stirring slogan "Liberty, Property and No Stamps!" The slogan was evidently patterned after the "Liberty, Property and No Excise" of the cider tax rebellion in the west of England two years before. After impressing the Council, the mob proceeded to serious business. Andrew Oliver had just finished constructing a building at his dock, and it seemed plausible that from here he would distribute the stamped paper. There, at the Kilby Street dock, the mob quickly razed the menacing building completely to the ground. From there the disciplined crowd moved on to Oliver's home, where they put on an impressive show for that worthy by beheading Oliver's effigy. The graphic lesson did not escape the stamp master's understanding—especially as it was promptly followed by a shower of stones. From there the mob climbed a

nearby hill, and ritualistically stamped Oliver's effigy and burned it in a huge bonfire.

At that point, the more gentlemanly members of the crowd, lacking taste for more violence, quietly went home. Ebenezer Mackintosh was left to do what had to be done next. Mackintosh and the crowd now returned to Oliver's home and smashed into the house, calling loudly for Oliver and threatening to kill him on the spot. Finding that Oliver had fled to the military post on the island of Castle William, the mob did the best it could by destroying the interior of his home.

Governor Bernard ordered the militia to beat the drums to sound an alarm, only to find, to his consternation, that the drummers were all in the mob. Hastily, Bernard, realizing that discretion was the better part of valor, also skipped town to the safety of Castle William.

Thomas Hutchinson, the Tory *ultra*, was made of sterner stuff. He walked with the sheriff to the Oliver home to order the mob to disperse. Seeing them, one of the mob's leaders shouted: "The governor and the sheriff! To your arms, my boys!" A hail of stones fell upon the august officials as they hurried away.

August 14! Here was a day to live in song and story! The first revolutionary blow had been struck by the colonists against the tyranny of the British Grand Design. For many years, August 14 was celebrated throughout America as "the happy day, on which Liberty arose from a long slumber." Or, as Sam Adams thundered: "The people shouted; and their shout was heard to the distant end of this Continent."

The next day, the liberal leaders pressed their advantage, and continued the work that the mob had begun so skillfully. They visited Oliver and informed him that the previous night was just a sample of what he could expect unless he resigned his office immediately. Here, then, was the main point of the mob action: revolutionary pressure on all stamp masters to resign their offices, and thus make impossible the distribution of any stamped paper and hence any enforcement of the stamp tax. Oliver promised to ask the Crown for permission to resign, and meanwhile to take no action to enforce the stamp tax.

This reply satisfied the radical leadership and the Loyal Nine, but the radical masses sensibly wanted to make very sure: to dot the *i*'s and cross the *t*'s. In short, they demanded nothing less than Oliver's immediate resignation. On the evening of the 15th, the mob built another large bonfire and threatened to raze Oliver's house to the ground. The leaders were able to dissuade them, and the rank and file contented themselves with surrounding the house of Thomas Hutchinson. They called for his presence, but in vain. Hutchinson had fled. He knew that this time the mob meant business.

Adams and the Loyal Nine were jubilant. Their mass pressure had forced the stamp master to resign, and his example was a standing warning to anyone with the temerity to take his place. When one Tory declared that *he*

would not have been as spineless as Oliver, the Loyal Nine taught him an instructive lesson by publicly fixing the date when *his* house would be destroyed. The Tory quickly came to his senses and retracted his statement.

The leaders now saw that mass action need not stop with the intimidation of Oliver; that more could be and needed to be done. In particular, they saw that it was necessary to cow not only the stamp master but also the whole clique of Tory officials appointed by the Crown. *They* were the enemy and not simply an isolated stamp distributor. Particularly, the suspicion grew, with good reason, that Thomas Hutchinson had secretly favored the stamp tax, and that he was their most dangerous enemy within Massachusetts.

The leaders also saw the sweep of public opinion on their side; few people criticized the events of the 14th, and the leading Congregational ministers of Massachusetts—liberals all—blessed the mob action and virtually called for more. Especially ardent in favoring resistance to the stamp tax were the Reverend Andrew Eliot, the Reverend Charles Chauncy, the Reverend Samuel Cooper, and, doubly especially, the great libertarian Reverend Jonathan Mayhew. These men were friends of the secular leaders of the people—Adams, Otis, the wealthy Boston merchant John Hancock, the brilliant young lawyer from Braintree, John Adams, etc. Mayhew was particularly ardent in attacking arbitrary power, in battling the Stamp Act, and in championing the right of resistance by the people. He warned menacingly that the Stamp Act could not be enforced in Massachusetts without bloodshed, and he emphasized that there were "sixty thousand fighting men in this colony alone."

On the night of August 26, the radicals struck again, escalating their revolutionary blows. The mob gathered in full force around a bonfire in King Street, blowing on whistles and horns, and shouting enthusiastically for "Liberty and Property!" Then, revealing striking discipline and coordination, the mob, under the generalship of Ebenezer Mackintosh, split into several sections—each with its assigned tasks. One group went to the home of William Story, deputy register of the admiralty court. Story, suspected of writing reports to England denouncing the Boston merchants, received treatment befitting his actions and status. The mob destroyed his papers, including his public papers that would list the violators of customs regulations, and wrecked his home and office. Another group went after another key enemy, Benjamin Hallowell, the controller of the customs, who had angered the Boston merchants by rigorous enforcement of the trade laws. Hallowell's house was also wrecked and his papers (containing written records relevant to enforcement of the British regulations) carried away.

Mackintosh now united two sectors of the mob, and marched on to the *pièce de résistance* of the evening: the home of Thomas Hutchinson. Before the 26th, several opportunities had been given to Hutchinson by the liberals to deny his complicity in passing the Stamp Act. But Hutchinson stood on his offended dignity and repeatedly refused to make the denial. Even on the day

of the 26th, Hutchinson was given a final opportunity to deny the charge, but he refused to do so. The people could only interpret the lieutenant governor's lofty silence as assent; so they proceeded to wreck his house with a zeal and thoroughness surpassing their ardent work of the night of August 14.

The attack on the home of Thomas Hutchinson served to polarize the political conflict in Massachusetts. It was one thing to use the mob to put the fear of God into the stamp distributor and the customs collector; no one, after all, could sympathize with these bureaucrats but their own families. But an attack upon Hutchinson was a different story. Hutchinson was the nucleus and the leader of the small but powerful clique of oligarchs who were privileged by the royal government. An attack against him could only be interpreted as an attack upon the clique as a whole. The struggle against Great Britain had now become, as a corollary, a domestic struggle as well. And this was not surprising, since the domestic ruling clique governed as a creature of the Crown.

The government grew emboldened by the protests of the Hutchinson cabal at the treatment to his home, and was fooled by the tactical camouflage of Adams and the Boston Town Meeting in publicly repudiating the riot at Hutchinson's. The Council therefore boldly ordered the arrest of Mackintosh—only to find that Adams, backed by the leading merchants of the city, promptly demanded Mackintosh's immediate and unconditional release. If not, they warned, no one would stand guard in the whole town of Boston, and the customhouse would be pulled to the ground. The disillusioned rulers saw that Adams and the liberals were still fully in control of the town of Boston and of the hearts of its people. Ebenezer Mackintosh was set free and rewarded by the people of Boston with a town office.\*

No revolution advances in uniform, straight-line fashion; instead it always proceeds in zigs and zags. Adams and his allies saw clearly that it was now in order to slow down the movement. After all, the point had been beautifully made. Mass action had virtually forced the stamp master to resign, and intimidated any potential successor; it had intimidated the royal officers, Governor Bernard having been forced to flee to Castle William, where he was governor in name only; Mackintosh had been freed, and the whole process had placed *de facto* power in the hands of Adams and his allies. There was at this point no need for violent actions. All that needed to be done was to wait in readiness for the fateful day, November 1, when the Stamp Act would go into effect. A minor crisis occurred at the end of September, when Governor Ber-

\*The "class-struggle" view that the Boston riots were lower-class outbursts directed against "the rich" is rebutted by the multiclass nature of the liberal movement. Wealthy merchants backed and even participated in the mob violence, which was directed only against *those particular* men of property engaged in enforcing British policy. The latter, not the "rich" or "the merchants," virtually constituted the ruling oligarchy of the colony. See Brown, *Middle-Class Democracy*, pp. 214ff.

nard received the stamped papers from England and housed them in Castle William. The Loyal Nine threatened to storm the castle and destroy the papers, but the group was mollified when the governor assured it that he had no power whatever to distribute the stamped papers.

Adams spent the intervening weeks constructively: perfecting his organization and strengthening his apparatus. The Loyal Nine expanded its organization into the Sons of Liberty, a name proudly taken from the great speech of Colonel Isaac Barré, which had warmly referred to the Americans by this noble name. The Sons of Liberty consisted of a cross section of the occupations of the town, from poor laborers to wealthy merchants. For its mass base, Adams induced the North End and the South End to channel their rambunctious energies into more constructive deeds, and united them to the Sons. For Guy Fawkes Day 1765, coming at a strategic time for the stamp tax, Adams prepared to hold a "Union Feast" celebrating the newfound unity of the two sections. Mackintosh was given a cadre of 150 militarily trained men to lead his mobs. The Sons of Liberty busied themselves by drawing up a list of Tory oligarchs whose homes might be sacked should the need arise.

Governor Bernard now placed his hopes on the Assembly, convening at the end of September. Remembering the Sugar Act agitation, Bernard believed that the rural farmers would again prove a conservative force. But he found, to his astonishment, that the stamp tax had truly radicalized and unified the whole colony. He wrote home that the rural people seemed even more violent than the annoying Bostonians: "They talk of revolting from Great Britain in the most familiar manner, and declare that . . . the British forces . . . never will subdue the inland." Furthermore, Oxenbridge Thacher had died, and Bernard now found his nemesis Sam Adams in the House as leader of the liberal forces. To Bernard's urging of the General Court to enforce the Stamp Act as the law of the supreme Parliament, the House replied firmly that only the Massachusetts Assembly had the right to tax and to make internal laws for the American colonies.

By mid-October, Governor Bernard was wailing to the Crown that Massachusetts was in a state of outright rebellion: the militia refused to obey his orders; "the real authority of the government is at an end; some of the principal ringleaders in the late riots, walk the streets with impunity; no officers dare attack them; nor Attorney General prosecute them; and no judges sit upon them."

If Patrick Henry had sounded the clarion call for resistance, Sam Adams, the Loyal Nine, and the Sons of Liberty had now blazed the path for action. August 14 raised the standard for mass rebellion against the enforcers of the Stamp Act.

# 29

## Official Protests

By November 1765 the stamp distributors and the stamped paper had been put out of action by the direct revolutionary mass action of the people, who increasingly formed themselves into Sons of Liberty in the separate colonies. Even if the various colonial assemblies had not been so timorous and conservative, there was little that they could have done. To nullify the Stamp Act, the first essential step was to put the stamp masters out of commission. This was a revolutionary act that the assemblies could hardly have done openly—especially since they were in most cases subject to the veto of a royal governor.

But one function the assemblies *could* perform: send off official protests to Britain asking for repeal of the noxious Stamp Act. Not much importance should be laid to these official resolves, which could only play a minor supplementary role in the great American struggle against the stamp tax.

The exception to the minor importance of official resolutions was, of course, Patrick Henry's Virginia Resolves, which, helped by the shrewd publication of the final resolutions, ignited the spark of the whole resistance struggle. The first colony to imitate Virginia's example of official protest was, not surprisingly, Rhode Island, where the Assembly adopted the call to disobedience that everyone *believed* the Virginia Assembly had passed. The resolution also denied Parliament's authority to tax the colonies at all, although it modified the disobedience clause to include only an internal tax such as the stamp tax. Moreover, the Rhode Island Assembly went further—directing all officers of the colony to proceed as if the stamp tax did not exist, the Assembly promising to idemnify them for any penalties incurred in following such a course. Rhode Island's courageous resolutions, passed in September, were touched off in mid-August by similar resolves of the Providence Town Meeting, followed

by several other towns, including Newport. The Rhode Island Resolves were largely drawn up by Henry Ward, secretary of the colony, and Moses Brown, a leading merchant of Providence. They represented a living embodiment of the unity on this question of the Ward and Hopkins factions in Rhode Island.

None of the other colonial assemblies, however, had the courage to go as far as little self-governing Rhode Island. None dared either to call for disobedience or to order officials to disregard the Stamp Act. Almost all the assemblies, however, issued resolves during the last third of 1765, denying the authority of Parliament to levy taxes (internal or external) upon the colonies, and most of them denied the authority of Parliament to extend the domain of the hated admiralty courts. Colonies such as Rhode Island, Connecticut, and Massachusetts, which had not in the previous year strongly challenged the parliamentary authority to tax, now took steps to correct their former hesitation. The only colonial assemblies that did not issue such resolves were Georgia, Delaware, New Hampshire, and North Carolina, and the last was not allowed to meet by edict of the royal governor.

# 30

## The Stamp Act Congress

The major effort of official protest was the Stamp Act Congress, called in June by the Massachusetts House at the behest of James Otis and the Boston Town Meeting. The congress, which met in New York City on October 7, consisted of delegates from each of the colonial assemblies—with the exception of those of Virginia, North Carolina, and Georgia, whose governors prevented the assemblies from meeting, and of New Hampshire, which declined to attend. Delaware and New Jersey met the same obstruction from their governors, but their assemblymen defied the governor by meeting informally and selecting delegates anyway. All in all, twenty-seven delegates from nine colonies attended this early example of united intercolonial resistance.\*

Massachusetts could have been expected to give the leadership to the congress, but its delegation consisted of trimmers and renegades to the colonial cause. Otis was in one of his conservative phases, having recently called for British troops to put down rebellion. Ruggles' and Partridge's election had been craftily engineered by Governor Bernard, and this manipulation paid off when Ruggles was chosen as chairman of the Stamp Act Congress. Ruggles had secretly agreed with Bernard to try to bend the congress to ask England for repeal solely on pragmatic economic grounds, and to recommend, in the meanwhile, passive submission to the Stamp Act.

\*The delegates to the Stamp Act Congress were as follows: *Massachusetts*: James Otis, Jr., Timothy Ruggles, and Oliver Partridge; *Rhode Island*: Henry Ward and Metcalf Bowler; *Connecticut*: Eliphalet Dyer, William Samuel Johnson, and David Rowland; *New York*: Robert R. Livingston, Philip Livingston, William Bayard, John Cruger, and Leonard Lispenard; *New Jersey*: Robert Ogden, Joseph Gordon, and Hendrick Fisher; *Pennsylvania*: John Dickinson, George Bryan, and John Morton; *Delaware*: Thomas McKean and Caesar Rodney; *Maryland*: Edward Tilghman, Thomas Ringgold, and William Murdock; *South Carolina*: Christopher Gadsden, Thomas Lynch, and John Rutledge.

Fortunately for colonial liberty, Ruggles was not able to prevent and cripple the movement for colonial resistance. The first struggle in the congress was waged over a declaration of principles, which occupied the delegates for twelve days. Over the bulk of the principles there was general agreement: the right to be taxed only by one's own representatives; the impracticality of any American representation in Parliament; the inherent right of trial by jury; and the evils and invasions of rights committed by the Stamp Act. The big struggle was waged over the definition of the scope of Parliament's authority over the colonies. All the delegates privately admitted that Parliament had the authority to regulate colonial trade, but the radical-liberals—led by Christopher Gadsden and Thomas Lynch of South Carolina—strongly objected to any explicit admission of parliamentary authority. Such admission might leave a loophole for implied consent to such external parliamentary taxation as the Sugar Act.

The first draft of the congress's declaration, composed by Dickinson, pledged colonial obligation to "all acts of Parliament not inconsistent with the rights and liberties of the colonists." But Gadsden insisted throughout on taking a stand on "the broad and common ground of those natural and inherent rights" that all Americans possessed, not only as Englishmen but as *men*. A second Dickinson draft then changed "rights and liberties of the colonists" to "the principles of freedom" in an attempt to appease the radicals. But here too the radicals saw that such phrasing would commit the colonists to obey all parliamentary legislation that did not violate principles that remained highly vague. The final wording, then, only committed the Americans to "all due subordination" to Parliament, which of course conceded nothing to England since the word "due" remained undefined.

This solution was bitterly opposed by the ultraconservatives in the delegation, especially by Ruggles, Robert Ogden, speaker of the New Jersey Assembly, William Samuel Johnson of Connecticut, and Robert R. Livingston of New York. Ruggles and Ogden, indeed, went to the length of refusing to sign any of the proceedings of the Stamp Act Congress.

The next step for the congress was to draw up petitions of protest to England, based on its declaration. Gadsden and the radicals urged that no petition be sent to Parliament, as this would imply an admission of parliamentary authority. But the others would not go that far, and Gadsden could be happy in knowing that the main radical point—no explicit admission of parliamentary authority—had been carried. The petitions were drawn up and approved in only four days. By late October, the Stamp Act Congress had been concluded. Every one of the colonial assemblies, even those that had been absent, hastened to approve the actions of the congress, and Ruggles and Ogden were censured by their respective assemblies for not going along. Ogden, furthermore, was burned in effigy in almost every town in New Jersey, and was forced to resign his seat in the Assembly. Only the Virginia House of Bur-

gesses, prevented from meeting by the governor, could not meet to approve the congress's resolves; but it had made its position clear months before.

It must be noted, however, that the radicals were not able to generate a call for open resistance by the congress. Rhode Island remained alone in this courageous stand. Nor was Gadsden able to carry, in the congress's petition, a position grounded on natural human rights, rather than one confined to the mere rights of Britons. Of the colonial resolves, only the assemblies of Pennsylvania and Massachusetts expanded their groundwork to include these libertarian natural rights. Pennsylvania referred to "the Natural Rights of Mankind," which later helped form the groundwork of Pennsylvania's constitution.

By far the most eloquent statement of the natural-rights position was the Massachusetts Resolves of October 29. These logical and incisively libertarian resolutions were drawn up by Sam Adams, who had replaced Thacher in the Massachusetts Assembly. Squarely in the tradition of John Locke's *Essay on Civil Government*, Adams began by explicitly grounding British rights on "the law of God and Nature, and on the common rights of mankind." Therefore, Adams continued, the people of Massachusetts "are *unalienably* entitled to those essential rights in common with all men: and that no law of society can consistent with the law of God and Nature divest them of those rights." Crucial to these natural and inalienable rights was the right of property: "*Resolved*, that no man can justly take the property of another without his consent." And from this Adams presumed to derive the right of representation in levying taxes.

## Ignoring the Stamp Tax

Immobilizing the distribution of stamps, supplemented by official protests to Britain, could only be the first step in the peoples' nullification of the Stamp Act. For once the act went into effect in November 1765, the colonists, devoid of stamped paper, faced a critical choice: either to carry on normal transactions as if the Stamp Act did not exist, or to stop all business so as not to violate the law. The latter, the conservative path, avoided any breaking of the law, but would have meant a suicidal stoppage of trade and of the courts that would have quickly brought the colonists to their knees. Many of the royal governors, gravely underestimating the fighting qualities of the resistance movement, confidently expected the latter result. They could not dream that the colonists would make open defiance of the Stamp Act a continuing way of life. Thus, as the enforcement date drew near, Governor Bernard smugly expected that famine would soon bring Massachusetts to a standstill. Jared Ingersoll calmly predicted that "the distresses which the want of the stamp papers will occasion will put the people . . . to desire . . . to introduce and distribute them." But having disposed of the stamp masters, the colonists were in no mood to submit meekly to economic suicide rather than defy the hated stamp tax.

For the work of nullifying the Stamp Act, ordinary business transactions within the colonies presented no problem. Contracts and exchanges could be made with the simple refusal of bothering about the Stamp Act's existence. The major problem in domestic business was faced by the newspapers, who were in an exposed position. As November approached, the press reluctantly prepared to close up in obedience to the stamp law, but their courage was buoyed by threats, especially in New York and Boston, to the person and

property of the printers should they dare thus surrender to the law. The pattern of press courage was set on November 1, with the bold appearance of the *New London Gazette* and the *Connecticut Gazette* without stamps. The great radical organs of liberty, the *Boston Gazette* and the *New York Gazette or Weekly Post-Boy*, swiftly followed suit. John Holt, editor of the New York paper, emblazoned on his newspaper the motto "LIBERTY, PROPERTY AND no STAMPS," which was soon picked up by other leading papers. Other northern newspapers continued to publish, first hedging with such partial disguises as changing their titles or leaving out the printers' names, but soon they resumed publication full blast.

Only in the South did the bulk of the press display cowardice by suspending operations rather than publishing unstamped. In some cases, courage returned and printing resumed: for example, the (Annapolis) *Maryland Gazette* and the (Williamsburg) *Virginia Gazette*. However, the publisher of the latter paper was not trusted by the liberals, who induced another printer to establish a rival *Virginia Gazette*, which corralled the coveted public printing contract from the House of Burgesses. Neither Charleston paper could be induced to reopen, so that the radicals of that city inaugurated a new unstamped newspaper there. In Wilmington, North Carolina, the radicals turned to violent methods of persuasion—a mob forced the publisher of the *North Carolina Gazette* to resume publication unstamped, "at the hazard of life, being maimed, or have his printing-office destroyed." The publisher, however, found himself whipsawed between two masters, the governor and Council finally removing him as public printer for "inflammatory expressions." The only southern paper that defied the Stamp Act from the start was the *Georgia Gazette*, which, however, was closed by pressure from the royal governor in late November.

Internal transactions and even the press thus successfully defied the stamp law. The real problem for the colonists was transactions necessarily involving government agencies, which could not easily sanction the continuance of illegal activities. The most vital question was foreign trade, on which many economic activities, especially in the port towns, depended absolutely. For merchants needed clearances from the royal customs officials to ship out of port; without such clearance they were liable to seizure on the high seas by the British navy, which did not have to worry about colonial opposition or rebellious activity on the Atlantic. Domestic transactions requiring government stamps presented a much lighter problem. Marriages, wills, and diplomas could be and were informally recorded, and criminal court procedures did not require stamped paper. Furthermore, a positive advantage accrued to the colonists: the closing of the hated admiralty courts, which were not supposed to function without stamps. Only the civil courts posed a problem for the colonies.

On the crucial question of foreign trade, which could make or break the resistance movement, the colonists could either greatly increase their smug-

gling operations or put pressure on the royal customs officials to grant the merchants clearance papers. Both methods were widely used.

The great trading center of Boston particularly had to face the port problem. The Assembly had first thought to make unstamped trade legal on the ground that no stamps existed, and guaranteeing to indemnify officers who might be penalized by Britain for such action. But the Assembly shrewdly decided that such a stand would compromise the cause, for it would concede the legality of the Stamp Act *if there were* a stamp master in the colony. Instead, the Massachusetts Assembly, unwilling to go so far as to encourage open resistance, left the whole matter to the Sons of Liberty, who were quite willing to assume the responsibility.

The first step was to gain time, and this the Boston merchants (as well as the merchants of all the colonies) did by putting every possible ship out to sea before the November 1 deadline. In the meanwhile, the royal officials—the governor, controller, collector of customs, advocate general of the admiralty court, attorney general, and surveyor general of the customs of New England—engaged in a complex farce-comedy of passing the buck in deciding on clearance policy for the port. Cutting through this confusion were the Sons of Liberty, which put intense pressure on the customs collectors and threatened to storm the customhouse with a mob by December 17. Then the radicals showed their power by again forcing a public resignation from stamp master Andrew Oliver. A mob of two thousand such as pressured Oliver could not be ignored, and the customs officials promptly capitulated, agreeing to provide ship clearances without stamps.

On the night of December 17, the Sons of Liberty celebrated their highly significant victory, and it was particularly fitting that the brilliant organizer of the radicals, Sam Adams, was feted as the guest of honor.

The earliest—and easiest—resolution of the problem came in Virginia, which had the good fortune of having a liberal and understanding surveyor general in Peter Randolph, of the eminent Virginia family. As early as November 2, Randolph advised all the customs collectors to clear all vessels without stamped paper. Governor Fauquier of Virginia was also intelligent about the issue, and quickly seconded Randolph's stand. The customs officials in Rhode Island promptly followed. The merchants of Philadelphia used an ingenious device of adding clearances to partially loaded cargo ships before November, to extend their time of grace through that month. Governor John Penn induced the collector to go along with the scheme. By early December, however, the Philadelphia harbor was filled with vessels and the customs officials faced squarely the problem of clearances. Writing to England, the Philadelphia collectors admitted their fear of the populace should they enforce the Stamp Act, and they soon began to issue ship clearances.

In a few days, the Philadelphia breakthrough was enormously widened by Charles Stewart, surveyor general of customs for the Eastern Middle District

(New York, New Jersey, Pennsylvania, and Delaware). Stewart authorized all the customs officials to issue ship clearances without stamps, and again gave the threat of popular force as his justification. New York customs officials were especially relieved; they had suffered the growing pressure of the populace, particularly of the seamen unemployed by the stoppage of trade.

New England's ports were in effect blasted open by the surrender of the Boston customs officials in mid-December. Duncan Stewart, collector at New London, Connecticut, was forced to give way a few days before Boston; New Haven, Connecticut, and Portsmouth, New Hampshire, followed a few days after. There was a little resistance by customs officials at Portsmouth, but this was arrested by a mob demonstration on December 26, and there was no clearance trouble after that.

Except for Virginia, the main customs difficulties were experienced in the South. Maryland did not finally issue clearances without stamps at the main port of Annapolis until the end of January. The courageous Peter Randolph tried his best to open up the Carolinas as he had Virginia, but he was foiled for a long time by the zeal of the governors and local customs officials. In South Carolina, Randolph joined with the Assembly, the merchants, the ship-owners, and the rest of the people to battle the stubborn Governor William Bull. Finally, the resigned stamp master Caleb Lloyd reaffirmed his resignation, and began to issue certificates of unavailability of stamps to attach to clearance papers. By mid-February, ships were sailing legally from South Carolina without stamps.

Meanwhile, North Carolina's reactionary governor, William Tryon, tried a particularly shrewd maneuver in attempting to induce submission to the Stamp Act. While blocking any meeting of the Assembly, Tryon convened a private meeting of fifty leading planters and other gentlemen of the colony, and tried to sell them on abandoning resistance. Assuring them that he personally strongly opposed the Stamp Act, Tryon urged them to submit to the tax and enjoy untrammelled trade, while he personally would appeal to Britain for special favors for North Carolina. As a further inducement, he promised to pay personally for the cost of the stamps required on papers issued by him.

The leading citizens, however, spurned this shrewd appeal to ease and short-run cupidity, and firmly refused the offer. North Carolina suffered from closed ports until February, when the customs officials finally gave in. The one exception was the port of Cape Fear in extreme southern North Carolina. There, a particularly reactionary set of royal officials cracked down rigorously to enforce the Stamp Act. Captain Jacob Lobb of the Royal Navy had had the gall, in early January, to seize several vessels coming into Cape Fear, because their clearance papers officially issued in other American ports were unstamped. When William Dry, collector at Brunswick, North Carolina, proposed to present the confiscated vessels at the Halifax Vice Admiralty Court, a group of citizens from Brunswick, New Hanover, and Bladen Counties gath-

ered at Wilmington on February 18 to form an association to prevent operation of the Stamp Act. The association quickly amassed a thousand men and marched on Brunswick, capturing control of the town and the port. Seizing the recalcitrant William Dry, the association searched for the ships' papers, and won from Dry and Captain Lobb the release of the three vessels and a promise to open the port from then on. On February 21, the citizens rounded up all the court and customs officials and forced them to swear an oath not to execute the Stamp Act. North Carolina at last was free of Stamp Act tyranny, and the happy citizens sailed back to Wilmington on the liberated ships.

Georgia, the southernmost of the rebellious colonies, also had its troubles. Georgia allowed ships to clear without stamps until the end of November, when Governor James Wright and the customs officials closed the ports. Governor Wright persisted in his dictatorial course despite the pleas of merchants and shippers. When George Angus distributed stamped paper during his brief term of office in January, the Savannah merchants earned the hatred and contempt of all other merchants and colonists for selling out to the stamp tax by applying for stamped paper. The rural people throughout Georgia, similarly outraged, gathered in arms six hundred strong on January 27, ready for an angry march on Savannah. For Governor Wright, too, discretion proved to be the better part of valor; on hearing news of the threatened march, Wright hurriedly shipped the papers onto a British vessel, where they were effectively out of circulation. Very shortly Savannah was operating without stamps. Thus, by the end of February, even the most recalcitrant officials in the South were all permitting open ports, while the northern ports had all been opened by the end of 1765.

If the customs officials could be successfully intimidated, what about the British naval officers beyond the reach of colonial harassment—at least while at sea? Generally, the colonists found that the British navy did not much bother to enforce the Stamp Act. Astute entrepreneurs in Philadelphia began to issue insurance policies to shippers against British seizure, at the low rate of two and one-half percent, thus indicating the lax state of enforcement. Moreover, American shippers soon began to find that they could land unmolested without stamped papers at English-run ports that themselves were obeying the stamp rules—including ports in Quebec, Nova Scotia, Florida, the West Indies, and even England itself! During the period of the temporary closing of American ports, illegal smuggling increased greatly, thereby generating further contempt for English authority. Indeed, the customs officials began to issue clearances partly out of fear that they would soon be ignored completely by the colonists. The Philadelphia officials wrote perceptively that “we must now submit to necessity, and do without them [the stamped papers], or else in a little time, people will learn to do without either them or us.”

Once in a while, a rigorist naval officer persisted in plaguing the colonists.

Captain Archibald Kennedy, for one, insisted on stopping all vessels leaving New York, even after the port was officially opened, and blocking the path of any whose clearance papers were unstamped. Since Kennedy allowed all entering ships to proceed, New York City soon accumulated a large population of discontented, unemployed seamen ready to rebel against the laws of trade.

One reason for the lax naval enforcement, ironically enough, was the forced closing of the admiralty courts for lack of stamps. Only the Halifax court was now open. With these courts closed, the naval officers were reluctant to detain ships for any length of time.

The civil courts were not opened so quickly, but then the need was not nearly as pressing as in the case of the ports. We have seen the positive advantage of the closed admiralty courts as well as the informal substitutes for domestic legal transactions. Moreover, as long as the civil courts remained closed, English merchants could not collect on the substantial sum of debts owed them by Americans. This blockage could only lead British merchants to put pressure on Parliament to repeal the Stamp Act. George Washington, Richard Henry Lee, and other Virginia tobacco planters, generally in heavy debt to English merchants, saw the importance of this method of creating pressure. As a result, the pressure to reopen the courts was far less than that to reopen the ports.

Pressure for reopening the courts came mainly from the Sons of Liberty and other radicals who wanted the opening to symbolize judicial repudiation of the Stamp Act. Thus, as soon as the ports were opened in Massachusetts, the Sons of Liberty went to work on the courts. The Massachusetts Council was openly warned:

Open your Courts and let Justice prevail  
Open your Offices and let not Trade fail  
For if these men in power will not act  
We'll get some that will, in actual Fact.

This popular pressure was succeeded by arguments by leading lawyers of Boston. Young John Adams argued before the Council that the Stamp Act was "utterly void," for it violated colonial "rights as men and our privileges as Englishmen." When Parliament errs, declared Adams boldly, it need not be obeyed, and it had no right to impose taxes on the colonies. James Otis, Jr. this time backed the Adams' view. The Council worriedly passed the buck to the judges of the colony, attempting to wash its hands of the entire problem.

The Massachusetts Superior Court was not scheduled to convene until March, but two lower courts in Suffolk County, containing Boston, were supposed to meet in January. The Probate Court of Suffolk County was being held up by Thomas Hutchinson, judge of the court; Hutchinson was soon told that his only viable alternatives were "to do business without stamps, to

quit the country, to resign [the] office, or ——.” Keeping the stampless court closed, it was made clear, was not a healthy path for Hutchinson to choose. Faced with this threat, Hutchinson consented to have his more pliable brother, Foster, replace him as judge of the probate court, which promptly opened its doors, followed by the inferior court of the county.

Having secured the opening of their own county courts by mid-January, the Boston radicals put pressure on the Massachusetts Assembly to open the other courts in the province. The House passed a resolution to open all the courts of justice by the overwhelming vote of 81 to 5, but again the Mephistophelian Thomas Hutchinson blocked its passage in the Council. The radical *Boston Gazette*, spearheaded by Otis, denounced Hutchinson bitterly, but the Council, not wanting to take any positive stand, also blocked the proposal of Governor Bernard to arrest Otis for his seditious essay. Finally, the Council again passed the buck to the judges of the colony, who in turn passed it over to the lawyers to decide. Faced with such responsibility, the lawyers, including Otis, began to stall. After a token hearing of one case in the crucial superior court during March, the court adjourned without taking action, to await passively the now rumored imminent repeal of the Stamp Act.

Virginia displayed the same vacillation and hesitancy in opening its courts. Edmund Pendleton, a judge in Caroline County, and one of Virginia's most respected lawyers, urged keeping the courts open on the same hard-hitting grounds as the Boston libertarians. Justice Littleton Eyre of the Northampton County Court took the same stand. But other judges were far less courageous, and they dithered along without taking the decisive step. The Virginia lawyers, tough in talk and in theory, also balked at taking the public step of reopening the courts. As a result, the courts of Virginia, as in Massachusetts, largely remained closed, with the exception of Accomack County. In Accomack, on the eastern shore, the courts defiantly reopened, but few other lower courts joined in.

The story in most of the other colonies was much the same. In colony after colony the lawyers approved the high libertarian principle of keeping open in disregard of an invalid stamp tax, but timorously continued to delay putting their high ideals into practice. The judges likewise continued to stall until the thrilling news of repeal of the Stamp Act reached the colonies in early April, and took them all off the spot. This was conspicuously the case, for example, in Pennsylvania, New Jersey, and New York. In New Jersey and Pennsylvania, however, a few lower courts managed to remain open. In New York, an attempt by judges of the court of common pleas to reopen was harshly crushed by a threat of Governor Henry Moore to fire any judges who dared to open without stamps. The courts of South Carolina also dithered throughout the period, but by March justices of the Charleston Court of Common Pleas attempted to reopen. They were responding to pressures by merchants, traders, and their associated Sons of Liberty in Charleston, and backed by the

South Carolina Assembly. However, the judges were blocked in this effort by the court clerk Dougal Campbell and by Governor Bull.

Among the colonies, then, only four—New Hampshire, Maryland, Delaware, and Rhode Island—opened all of their courts before the repeal came through. Meeting in early February, the New Hampshire Superior Court overruled the obstructionism of its clerk, and the victory was promptly hailed by the Portsmouth Sons of Liberty. Some of Maryland's lower courts opened as early as November, but the superior court did not open until forced to do so in early April by repeated demands at a mass meeting at Annapolis of the Sons of Liberty from all over the colony. The courts of Delaware were opened in February under severe pressure from its grand jury, which refused to perform its task of making criminal indictments (which were not subject to the stamp tax) until the civil courts agreed to reopen.

Little Rhode Island was unique among the colonies. There all the courts remained open without interruption. In this colony, the backbones of the judges were fortified by the Assembly's pledge to indemnify all officials who ignored the Stamp Act, and all the courts continued happily to function. In one case before the superior court, the hated ex-stamp master Augustus Johnston refused to prosecute in his capacity as king's attorney. The court expressed its contempt for British rule by replacing Johnston as attorney general with Silas Downer, secretary of the Providence Sons of Liberty.

While most of the colonial civil courts, especially the superior courts, remained closed during the Stamp Act era, it is clear that legal and judicial shilly-shallying could not have continued forever. Mounting popular pressure undoubtedly would soon have forced a general reopening of the courts had not repeal intervened. However, it is likely, from their attitude, that the judges would have proceeded timorously on the practical ground that stamps were unavailable rather than have taken a stand on constitutional principle.

## Government Replaced by the Sons of Liberty

The Stamp Act was, in effect nullified throughout the period of its *official* enforcement in the colonies. It was nullified by the official bodies of the colonies, but even more so by the *direct action* of the people in *forcing* the stamp masters to resign, in carrying on business and trade as usual in defiance of the Stamp Act, and in forcing the royal customs officials to allow ports to remain open to ships without stamps. Corollary to this process of revolutionary mass nullification of the Stamp Act was a highly significant phenomenon that increasingly occurred in the colonies: a withering away of the authority of all organs of government, and a virtual shift to a condition of quasi-anarchism.

The revolutionary situation rendered the royal executive impotent and the colonial assemblies ineffective. The judges did not usually meet, and when they did it was at the behest rather of the radical organizations of the people than of the legally constituted authority. In short, effective rule of the colonies passed from the organs of government to voluntary organizations: to the Sons of Liberty and their popular allies. Such a shift of rule and of majority obedience from state organs to voluntary organizations is certainly a hallmark of a situation of near anarchism. The conditions differed, however, from those of the earlier anarchism in late-seventeenth-century Pennsylvania in two ways: one, *local* governments in this case remained in existence; two, the anarchism was not, as before, totally pacifist and devoid of all institutions of *defensive* force against criminal invasions of person or property.

As in all revolutionary situations, the breakaway of popular allegiance to constituted government implied a breakdown of that government into voluntary *self-governing* actions by each individual. It was indeed voluntary cooperative action among the people without benefit of official sanction—or of com-

pulsory revenue from taxation—that brought rule to such private organizations as the Sons of Liberty. The philosophical meaning of this process has been brilliantly elucidated by the late-nineteenth-century libertarian constitutional lawyer from Boston, Lysander Spooner. Spooner's analysis, dealing with the American Revolution, in a sense applied far more aptly to the Stamp Act crisis, in which no new governmental forms intervened to alter the course or the meaning of that crisis. Spooner wrote:

The . . . Revolution was declared and accomplished by the people, acting separately as individuals, and exercising each his natural rights, and not by their governments in the exercise of their constitutional powers. . . .

Each declared, for himself, that his own will, pleasure, and discretion were the only authorities he had any occasion to consult, in determining whether he would any longer support the government under which he had always lived. And if this action of each individual were valid and rightful when he had so many other individuals to keep him company, it would have been, in the view of natural justice and right, equally valid and rightful, if he had taken the step alone. He had the same natural right to take up arms alone to defend his own property against a single tax-gatherer, that he had to take up arms in company with three million of others, to defend the property of all against an army of tax-gatherers.

Thus, the whole Revolution turned upon, asserted, and, in theory, established, the right of each and every man, at his discretion, to release himself from the support of the government under which he had lived. . . .\*

From this spontaneous repudiation of the authority of the government under which the people lived, emerged voluntary organizations to lead the popular struggle, and throughout the colonies they took the name Sons of Liberty. The Sons directed strategy, led the pressure of the crowd when intimidation became necessary, and prepared also for armed defense should the British government try to enforce its laws with *force majeure*. For, as the governors saw their authority crumble, it became clear that the British government was now faced with a fundamental choice: to abandon enforcement of the stamp tax or to send an army to suppress colonial resistance. Open rebellion against the royal governors was very near, and they realized that they could not rely on the militia, which sided with the popular resistance. Seeing the Sons of Liberty in control of Boston, Governor Bernard was on the point of fleeing Massachusetts. Governor Penn revealed in mid-December that Pennsylvania was "not more than one degree from open rebellion." And New York's Governor Colden hardly dared stir outside Fort George. If Colden had refused to turn over the stamps to the crowd, open war would have broken out. The prudent British troops knew that if the Fort had fired on the people, the Sons of Liberty could have assembled an overwhelming force of fifty

\*Lysander Spooner, *No Treason, No. 1* (Boston: privately printed, 1867), pp. 12–13.

thousand men from New York and New Jersey alone. The royal governors, then, kept very quiet about the stamp tax. As Governor William Franklin of New Jersey wrote his father, Benjamin, "For any man to set himself up as an advocate of the Stamp Act in the colonies is a mere piece of quixotism." The governors were not disposed to being quixotic.

But what of the British? Would they use an army to enforce the tax? It was clear that the scattered army in America, not yet up to authorized strength, would have to be supplemented by a new army sent from England. But English threats of cramming the stamps down American throats made Americans aware that they must be prepared to face such a challenge. Accordingly, the Sons of Liberty held meetings throughout the colonies during the winter of 1765–66 to proclaim the defiance of the citizens.

The meetings of the Sons of Liberty proclaimed views that were far more revolutionary than those of the colonial assemblies. The lead was taken by the Sons of Liberty of Windham at New London, Connecticut. This meeting, "of a large assembly of the respectable populace" of New London on December 10, frankly proclaimed an uncompromisingly revolutionary natural-rights position, namely,

That every form of government rightfully founded, originates from the consent of the people. . . .

That whenever those bounds [on government, set by the people] are exceeded, the people have a right to reassume the exercise of that authority, which by nature they had, before they delegated it to individuals. . . .

That every tax imposed upon English subjects without consent, is against the natural rights and the bounds prescribed by the English constitution.

The meeting concluded that it is the duty of every colonist to oppose execution of these invalid acts, and if necessary "to reassume their natural rights, and the authority the laws of nature and of God have vested them with." The New London meeting threatened every officer neglecting the peoples' trust with the peoples' resentment, and hoped for no ministerial preaching of any doctrine of passive obedience.

Connecticut saw the earliest and most fiery public meetings held by the Sons of Liberty, which was quickly emerging from its initially secret status. A meeting at Pomfret soon followed, and the citizens of Wallingford on January 13 promised to oppose the Stamp Act "to the last extremity, even to take the field." Sons of Liberty in other colonies were soon inspired to follow suit and similar meetings ensued during early 1766 in Providence; New York City, Oyster Bay, and Huntington in New York; New Brunswick, New Jersey; Cecil County, Maryland; Leedstown and Norfolk, Virginia; and Wilmington, North Carolina—all pledging resistance to the uttermost and "with our lives and fortunes." The eminent liberal Congregationalist divine, the Reverend Charles Chauncy, thundered that regardless of cost the colonists will continue

the fight from the interior against any British army of repression until the invaders have been driven into the sea. "Daughters of Liberty" arose, who swore to marry no one who was not willing to resist the Stamp Act "to the last extremity." Marylanders swore to "fight to the last drop of their blood," and armed resistance was deemed inevitable even in Quaker Philadelphia.

Advanced strategists among the Sons of Liberty realized that revolutionary armed conflict against a British force would require coordination among the rebels in all the colonies. To this end, they moved toward a union of the various Sons of Liberty organizations. Mock funeral processions for liberty appeared on November 1, 1765, in Sons of Liberty demonstrations in Portsmouth, Newport, Baltimore, and Wilmington, perhaps by coordination. But the first formal step toward unity took place in a December 25 meeting at New London, Connecticut. There two delegates of the New York Sons met with the Connecticut Sons and ratified an agreement of mutual military aid against any British armed attack. They also pledged attempts to seek similar agreements from the Sons of Liberty in all of the colonies.

For the next few months, correspondence flew back and forth between Sons organizations throughout the colonies, pledging mutual assistance and proposing boycotts against any colony that might submit to the Stamp Act. Colonel John Durkee and Colonel Israel Putnam of the Connecticut militia promised the aid of ten thousand well-armed men should New York be attacked by the British. Massachusetts and New Hampshire were also able to command an armed force totaling forty thousand. The two New York agents, in the meanwhile, proceeded to Boston, where they procured the allegiance of the Boston Sons to the mutual aid association. Boston soon wrote to Portsmouth and all the towns in Massachusetts urging them to join the Sons of Liberty association. The Providence Sons of Liberty sent out circular letters to other Sons pledging aid to any other harassed colonies. The Providence Sons pledged three thousand men to the cause and eagerly approved a union of the various Sons organizations throughout the colonies.

In early February, the New York Sons appointed a committee headed by John Lamb to correspond with all other Sons of Liberty for mutual aid, and with a view to wielding united action against a possible British attack. The Lamb committee corresponded with Sons organizations as far away as South Carolina. The South Carolina Sons, furthermore, pledged five hundred men to assist Georgians if necessary to get rid of their stamped paper. Connecticut soon organized a unified colonywide Sons of Liberty in a convention at Hartford on March 25, which called for an intercolonial association. This was followed by unified colonywide Sons organizations in Maryland and New Jersey. The New Jersey organization of a unified Sons of Liberty was the most elaborate. Each town was to elect delegates to a county convention, which would in turn select delegates for a convention of the colony. On both county and provincial levels, the Sons appointed committees of correspondence.

Sons of Liberty organizations also expanded throughout New York, especially in Albany, Huntington (which appointed a correspondence committee), Oyster Bay, and Fishkill. By March, the New York City Sons were in command of a sizable armed militia. Local organizations were also stimulated in all the other colonies by active and urgent correspondence from the New York, Boston, and Connecticut Sons. Only in Pennsylvania were the Sons of Liberty relatively weak, with no correspondence committee established and no firm response to the growing intercolonial revolutionary movement. Governor Penn reported in late March that though attempts by the British to enforce the Stamp Act would probably meet with united armed resistance from all the Sons of Liberty, traveling agents of the Sons had met little response in Pennsylvania. The cause of this weakness was admittedly the strength of the Franklin-Galloway Tory faction in Philadelphia and environs.

From committees of correspondence and mutual associations of aid, the next obvious step was a unified central Sons of Liberty organization for all the colonies. The first concrete proposal for such a union came from the New York City Sons, which on April 2 urged a "Congress" of the Sons "to form a general plan to be pursued by the whole. . . ." But there was no chance to weld such a unity, for soon the happy news arrived of the repeal of the Stamp Act.

Britain's choice to repeal staved off what undoubtedly would have been an American revolution in 1766. It is idle to speculate on what the result of such a revolution would have been, but it is very likely that the colonies would have been more united against the universally hated Stamp Act than they would be a decade later. On the other hand, since the focus was on just a single tax grievance, it would be far easier, as events later proved, for Britain to end the revolutionary resistance by simply repealing the tax.

# 33

## Repeal of the Stamp Act

Considering the tough ultraimperialist policy Britain had been pursuing toward the American colonies, we may well ask: How did it finally come to choose the alternative of appeasement and repeal? And when every imperialist instinct certainly called for a tough crackdown on the presumptuous, impertinent, and presumably traitorous colonists?

The chief clue to the answer was the fall of the arch-imperialist Grenville ministry in July 1765. King George had never liked Grenville personally, and Grenville's attempt to exclude the king's mother from being selected regent in case of the monarch's incapacity from illness was just about the last straw. Grenville's open insult to the king's mother was caused by her long-time liaison with the generally hated Earl of Bute. Accordingly, King George removed Grenville and replaced him with an ultra-Whig ministry headed by the Whig leader, the Marquis of Rockingham, and including the venerable Duke of Newcastle as Lord Privy Seal. The bulk of the rest of the cabinet was new and young blood, headed by the fighting liberal General Conway as secretary of state for the Southern Department.

But the liberal millennium had scarcely arrived in Britain. The new ministry was held in general contempt. Clearly, Rockingham commanded nothing close to a majority in Parliament, and only the king's whim kept him in office. Everyone expected Rockingham's imminent fall. In this context, repeal of the Stamp Act was scarcely assured, but at least there was now a fighting chance.

Charles Watson-Wentworth, Marquis of Rockingham, was at this point a young man in his thirties and the political leader of the wool-raising district of Yorkshire, as well as of the Whig movement. From his early years, his mentor in Lockean ideas of liberty had been Sir George Savile. Under Savile's

guidance, Rockingham had studied at a center of liberal thought, St. John's College, Cambridge, under John Newcome and Bishop Samuel Squire, at one time secretary to the Duke of Newcastle. The young, shy, and gentle Marquis was not, however, cast in a heroic mold.

The Rockingham ministry, friendly to the Wilkite cause, quickly quashed general warrants and the persecution of the Wilkite press, and removed the persecutors from office, while the "massacred innocents" were restored to their public posts.

The chief test of the Rockingham ministry, however, would come in December when Parliament would meet. Newcastle, as usual, tried desperately and fawningly to get William Pitt to join the cabinet so as to ensure a parliamentary majority, while Pitt as usual scornfully refused to enter any cabinet where he did not enjoy absolute power. Grumbling about the lack of a warlike spirit among the Whigs, Pitt remained aloof—in effect aligned with Grenville and Temple in maintaining opposition to the Whig ministry.

Several factors joined to enlist the Rockingham ministry in a drive to repeal the Stamp Act. There was, in the first place, the liberal ideology of the Whigs, and, in particular, the long and honorable record of the Duke of Newcastle's salutary neglect of the colonies. Second, the Whigs were close to many of the merchants of England, and the merchants who traded with America were especially eager to repeal the Stamp Act.

The English merchants trading with America had been hurt by the American Revenue Act and by the whole program to enforce mercantilism upon the colonies. They suffered directly as traders and indirectly in the loss of American markets caused by the British restrictions. Their devotion to repeal of the Stamp Act was further strengthened by the decision of the leading American merchants to boycott importation of English goods. The boycott was shrewdly designed to pressure the English merchants. It began shortly before November 1, when two hundred New York merchants and retailers signed an agreement to cease importing from Britain until the Stamp Act was repealed. They were followed by four hundred Philadelphia merchants and traders a week later, supported by Philadelphia retailers and then by two hundred and fifty merchants and traders of Boston. These agreements were joined by merchants in Albany, in rural Pennsylvania, and in Salem, Marblehead, Plymouth, and Newburyport, Massachusetts.

Compliance with the boycott was remarkably widespread. Only a few violations occurred. But in these cases, the radical merchants turned to violence to enforce their policy. The first breach occurred in late April in Philadelphia. There, the Committee of Merchants ordered imports from Liverpool seized and locked up until news of repeal should arrive. Shortly afterward, goods from Bristol arrived at New York and were seized by the Sons of Liberty, to be returned promptly to England.

The principle of the secondary boycott was also applied against any exports

to American ports where the stamp tax was being observed. Thus, for the short while that Georgia was using stamped paper, the Charleston Fire Company, consisting of small businessmen-artisans, organized a boycott of all exports to Georgia. In late February, the Charleston Sons of Liberty, growing out of the fire company, threatened destruction of a ship about to export rice to Georgia, as well as murder of the exporters. The offending merchants thought it wiser to submit. The people of Newburyport, Massachusetts, after threats had failed, informed customs officials of violations in order to stop a schooner from sailing to Halifax, a port using stamped paper.

Joined to the slackening of imports due to the restrictions and taxes, the boycott helped to cement and intensify the clamor of British merchants to repeal the Stamp Act. Another aid, as we have seen, was the stoppage of some of the civil courts that enforced debt payments to English creditors. The clamor was joined by the newly burgeoning English manufacturers, who were in danger of losing their American markets, and the merchant-planters in the West Indies, who, in contrast to their vested interests in restricting the molasses trade, wanted the incubus of the stamp tax on their markets removed. This was the first time in English history that manufacturers were mobilized for a political cause.

The Duke of Newcastle had long been one of the best-informed Englishmen on American affairs, and he was always in close touch with merchants in the American trade, especially their leader, the radical alderman Sir William Baker. As early as May 1765, the London merchants in the American trade had chosen a Select Committee to battle oppressive legislation and taxation of the colonies. During August and September, the merchants of Liverpool petitioned the government to repeal Grenville's oppressive acts in order to relieve the depressed state of trade, and they were followed by the manufacturers of Manchester and of the Yorkshire cities.

All this pressure had particular meaning for Rockingham. The Marquis was the political leader of Yorkshire and close to the wool manufacturers there. He was also a relative of the powerful Wentworth family of New Hampshire, and was therefore very likely to favor their presentation of the American point of view. One of the joint agents for New Hampshire in arguing against the stamp tax was John Wentworth, nephew and future successor of Governor Benning Wentworth, and John exerted considerable influence upon Rockingham. Also close to Rockingham was former Boston merchant and now MP John Huske, who had been born in New Hampshire. Other influential New Hampshire agents were the John Thomlinsons, senior and junior, who were close associates of Newcastle.

The Rockingham ministry was inclined not only for reasons ideological, social, and economic to work for the repeal of the Stamp Act and other repressive restrictions on the colonies, but for compelling political reasons as well. For one thing, the merchants and manufacturers, joined to the London

radicals, could provide the Whigs with a mass base for influence upon Parliament. For another, the focus could then be on discrediting Grenville by highlighting the evil consequences of the actions of his administration.

The British press kept the public well informed of the developing opposition to stamps in America. Patrick Henry's resolves received full publicity in England. When news of the numerous American riots and actions of the Sons of Liberty began to be published in mid-October, Newcastle made a swift decision: to drive for outright repeal of the Stamp Act, a decision backed by Sir George Savile.

In early December, the London merchants, led by Barlow Trecothick, an eminent merchant born in Boston, organized a committee to mobilize mercantile and manufacturing sentiment and to pressure Parliament, then in the process of opening, for repeal of the Stamp Act. Trecothick was selected for this task by Rockingham, Newcastle, and the Whig ministry. Trecothick was another joint agent of New Hampshire, as well as a partner of the Thomlinsons in the American trade. He was also a radical alderman from London and an important adviser of Rockingham. Trecothick sent a crucially important circular letter, inspired by Rockingham and William Burke, to thirty of the leading trading and manufacturing towns in Great Britain. Letters were also sent to individual Whig leaders in the various towns, urging them to take the lead in organizing the various petitions to the government. This letter, which has been called "The Principal Instrument in the Happy Repeal of the Stamp Act," soon bore fruit in a deluge of petitions to Parliament for repeal of the Stamp Act, from over twenty towns and cities including Bristol, Liverpool, and Manchester. The petitions, of course, stressed not the moral or political rights of colonies, but the grievous economic effects of the measure for trade in the colonies and at home.

While Parliament would have to decide on repeal, there were many good deeds that the Rockingham administration could perform strictly on its own. Above all, it could return to the policy of salutary neglect, including a seemingly bungling failure to enforce the Stamp Act. This was precisely what it did. Instructions to the royal governors on the stamp tax were deliberately tardy and vague, and confined to cloudy advice to do their duty within the limits of "prudence." No British army was sent or mobilized, and the navy did not bother about the lack of stamps on the clearance papers of American ships. Furthermore, under the influence of Newcastle, the Rockingham ministry applied salutary neglect to the rest of Grenville's restrictive program. Laxity was again encouraged. In particular, the useful Spanish bullion trade from South America to the British West Indies in exchange for English manufactured goods, which helped repay debts to American and English merchants, was again looked at benignly even though it was illegal. Laxity was particularly welcome after Grenville's repressive enforcement had disrupted transatlantic trade habits of over a century.

Moves were also undertaken to legalize informally or formally the vital American molasses trade with the foreign West Indies. Influence to this end was exerted by William Burke, the young undersecretary to Conway. Burke, who had been the leading publicist, at the end of the Seven Years' War, for the Whig peace terms of keeping the West Indian islands and letting France keep the American colonies, was himself involved in the molasses trade from Guadeloupe to America. Burke was a partner in this vital trade, repressed by Grenville's program of rigor, as were his cousin Richard Burke and Richard's brother Edmund, the brilliant young private secretary to Rockingham.

In originally formulating its plans for the opening of Parliament, the Whig ministry had been misled into underestimating the colonial reaction to the Stamp Act, and therefore had planned to repeal or revise the Grenville trade acts *gradually before* taking up the stamp tax. They were misled largely by the special situation in Pennsylvania—including the overoptimistic reports received from Benjamin Franklin, the support for the Stamp Act by Franklin's Pennsylvania ally Galloway, the actions of the counterrevolutionary White Oaks mob in Philadelphia, and the September elections in Philadelphia won by the royalist party—with the aid of some twenty-six hundred Germans naturalized and enrolled by Galloway just before the election. The Rockingham ministry was at last becoming disillusioned about the quality of Franklin's reports and about the position of Mr. Franklin himself. The radical and rebellious temper of the colonies was becoming clear, and Franklin's cool treatment of the Bristol merchants opposed to the Stamp Act called his whole attitude into question. The administration now realized that Stamp Act repeal must be the first order of colonial business in Parliament.

By the December opening of Parliament, then, it was clear that the most pressing problem before the government was the stamp tax. The Whigs, merchants, manufacturers, and London radicals formed the liberal party facing the opposition of Grenville, Bedford, Halifax, Bute, the King's Friends—in short, all of the various Tory factions. The ideological battle raged in the press; typical of the liberal view were articles by "Rationalis." Rationalis warned that Britain's harsh measures might well drive the American colonies out of desperation into independence. He argued, as had Robert Walpole decades before, that refraining from taxing the colonies would leave them free to use the money to buy British goods, an advantage to both peoples. Rationalis cited Walpole's famous aphorism: deliberately neglecting to enforce taxes and regulations in the colonies "is taxing them more agreeably both to their own constitution and to ours."

Parliament opened on December 17 with the administration urging another month's postponement to allow time for public opinion, spurred by Trecothick's campaign, to mobilize behind repeal. Grenville and Bedford, suspecting an eventual plan for repeal (which had been kept secret by the ministry), issued a violent attack on the colonies and called for suppression of the Stamp

Act rebellion. But the large block of Tory King's Friends were willing to go along with the king's ministers, so Grenville did not put his views to a test in Parliament. Significantly, Charles Townshend and Lord George Sackville, conservative members of the ministry, both called for enforcement of the Stamp Act, although doing so while speaking against Grenville's motion. Leaders for the government in the debates were London aldermen Beckford and Baker, Rose Fuller, and Sir George Savile in the Commons, and Grafton and Dartmouth in the Lords. Leading the Tory attacks were Bedford, Halifax, Sandwich, and North in the Lords, and Grenville in the Commons. Finally, the administration was successful; the House agreed to adjourn until January 14.

The parliamentary task of the ministry was made all the harder by the untimely death at the end of October of the influential Duke of Cumberland, the king's uncle and the Whig's one friend at court. It was Cumberland who had persuaded the king to choose the Rockingham ministry. The ministry was now clearly shakier than ever, and Newcastle began to press upon Rockingham without success his old disastrous tactic of fawning upon William Pitt. Pitt, now pressured by both sides, continued to refuse to support any government dominated by Newcastle. Indeed, Pitt gave strong indications of favoring the exercise of British sovereignty over the colonies. However, the fawning upon Pitt was intensified by Newcastle as a result of the growing defection of the King's Friends, who were rapidly learning with alarm of the great extent and depth of the colonial rebellion. Thus, as the crucial January session of Parliament approached, the Whigs saw their two potential sets of allies, the Pittites and the King's Friends, drifting strongly toward opposition to repeal.

Amidst the growing political crisis at home and in the colonies, the cabinet met on December 27 to decide finally upon government policy. Rockingham, Lord Dartmouth, Henry Seymour Conway, and William Dowdeswell, chancellor of the Exchequer and representative of the instinctively liberal wing of the country gentry, came out foursquare for outright and total repeal of the Stamp Act (there was no need to invite Newcastle, perhaps the most "pro-American" of them all). The big surprise, however, was a determined drive by Attorney General Charles Yorke, a conservative renegade Whig, against any "undignified" concessions to the colonies. Whether or not the repeal was pushed, Yorke insisted particularly on a declaratory act, which would affirm conclusively the unbounded sovereign power of Parliament over the colonies. Yorke also called for a penalty of high treason against anyone who might dare to attack the proclaimed sovereignty of Parliament in speech or in writing. Yorke's stand was attacked by Conway and later by an angry Newcastle. Instead, Newcastle proposed the usual Whig game, which had worked so well in the days of Walpole—namely, a meaningless declaration as sop to the King's Friends, the Pittites, and the conservative Whigs. The declaration could then serve as a formal camouflage for the reality of conciliation, salutary

neglect, and virtual *de facto* colonial independence from British rule. Rockingham himself was thinking along similar lines. But once again Pitt threw a monkey wrench into the proceedings, calling for a firmer stand against the colonies and insisting on his personal control of the cabinet. Earl Temple trumpeted that Pitt agreed that the Americans must be crushed and, to make matters worse, Conway and Grafton, personally loyal to Pitt although liberal, repeatedly threatened to resign unless Pitt were brought into the cabinet. In the meanwhile, Bute and the King's Friends, violently disturbed at the colonists' disobedience, were secretly given the green light by the king himself to vote against his own ministry, which he was already preparing to dump. What the king desired as the Tory ideal of his maneuvers, was a coalition ministry with Bute and the King's Friends dictating domestic affairs, while leaving foreign affairs to the arch imperialist Pitt. In Parliament, the King's Friends, without joining Grenville's organized opposition, would vote against repeal, thereby toppling the ministry and permitting the king to ignore the Grenvillites (whose leader he personally hated) in forming his desired ministry.

As the decisive January session of Parliament drew near, success of the repeal program seemed distant indeed. Borne down by defections within and without, harassed by intrigue, alarmed at the mounting rebellion, the Rockingham Whigs yet coolly and rationally stayed firm on principle, insisting on removing the oppression instead of sending force to crush the colonies. With only the merchants and manufacturers to support the Whigs, the power of the latter in Parliament was minimal. Yet the Whigs refused to temporize, and continued to press for repeal.

Parliament opened on January 14 and the expected immediate assault on the ministry was launched by the Grenvillites and some King's Friends demanding enforcement of the Stamp Act, as well as the sending of troops to the colonies to crush the rebellion and to impose the brutal model of British policy in conquered Ireland on the Americans.

At this point William Pitt, ill and erratic as usual, exercised his charisma once more. Pitt, felled by illness and insanity, had not appeared in Parliament for two years. Now Pitt played his pivotal role to maximum dramatic effect, after having kept everyone in the dark about his position. Staggering to his feet, Pitt stunned everyone with a fiery defense of the Americans and a scathing attack on Grenville: "As to the late ministry, every capital measure they have taken, has been entirely wrong." The Whigs were criticized by Pitt, in an odd turnabout, for hesitancy in treating the problem. As for the Americans, Pitt averred that they had "all the natural rights of mankind and the peculiar privileges of Englishmen." Only American assemblies have the right to tax the colonies; any other dispensation would be "slavery." Pitt concluded that "this kingdom has no right to lay a tax upon the colonies," although sovereign over them in every field of legislation or regulation. Pitt therefore

urged immediate repeal of the Stamp Act on the grounds that it was an unconstitutional tax on the colonies. The repeal was to be accompanied by a declaratory act asserting Parliament's sovereignty (limited by a lack of taxing power) over the Americans.

After Grenville answered with one of his typical legalistic speeches, Pitt's reply rose to the heights of eloquence:

I have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. . . . The gentleman tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people, so dead to all feelings of liberty as voluntarily to submit and be slaves, would have been fit to make slaves of the rest. I come not here armed at all points, with law cases . . . to defend the cause of liberty. I am passed the time of life to be turning to books to know whether I love liberty or not. . . . Will you sheath your sword in the bowels of your brother, the Americans? You may coerce and conquer, but when they fall, they will fall like the strong man embracing the pillars of this constitution, and bury it in ruin with them. . . .

Pitt's brilliant speech was a mighty blow for the American cause. Yet it is surely ironic that this, one of the few libertarian stands of Pitt's career, was to make this Johnny-come-lately a supposedly libertarian hero to the American colonists. Rockingham's thankless role was forgotten, even though Pitt had refused to coordinate his moves with the ministry, and even now *continued* to refuse cooperation with Rockingham. In fact, Pitt, erratically, continued to insist on Earl Temple's inclusion into the cabinet as the price of his support, even though Temple was ardently defending the Stamp Act in the House of Lords.

Still, Pitt *had* drastically changed his mind. Three weeks before, he was ready to impose British authority on the colonists. Now he stood fast for repeal. What, apart from inherent instability, had changed him? The answer lies in the Trecothick agitation among the merchants and manufacturers, shrewdly directed from behind the scenes by the Rockingham ministry and spurred by the depression and the trade boycotts waged in the colonies.

During December and January, the merchants' agitation received a great boost from the temporary suppression of American shipping because of the lack of stamped clearances, and from the closing of the civil courts to British creditors. The English agitation for repeal was also joined to great effect in the public press: the leading Whig publicists in the campaign were William Burke, Edmund Burke, and, particularly, David Hartley, a lifelong friend and adviser of Savile's who had first urged Sir George, the previous fall, to press for complete and immediate repeal.

Foremost in influencing Pitt was the unanimous clamor for repeal among the merchants. All his life Pitt had been the spokesman of the merchants,

especially those engaged in West India planting, but now all the merchants, whether in America or West India trade, united to urge repeal. Of the fifty-two merchants sitting in Parliament in February 1766, forty-six voted for repeal (of the maverick six, two were members of the king's Scots bloc; two were agents of the East India Company, headed by the Tory Earl of Sandwich; and two were indebted to Grenville). Of the West Indian planting interests, Beckford, the Lascelles family, and the Fullers, as well as the West Country gentry, were all ardent opponents of the Stamp Act. It was therefore clear to Pitt that there was only one way for him to reattract his old mercantile, West Country, and West India support, and to wean them from their attachment to the Whigs over the Stamp Act. That way was to make a grandstand play, to shout louder than the Rockingham Whigs for the American cause. No matter that the Whigs had to engage in subtle and often silent strategy to maneuver a repeal through Parliament. Never mind destruction of the Whig's well-laid plans. By thundering dramatically in Parliament Pitt could seem to be *the* heroic champion of American liberty, and make the Rockinghams *seem* pale and timorous by comparison. Such is precisely what Pitt did in his irresponsibly designed speech.

Having tried and failed to induce Pitt to join the cabinet, the Rockingham ministry met on January 17 to decide the strategy for repeal. Within the cabinet a fierce struggle raged, with Attorney General Yorke reluctant on repeal and insistent on the harshest possible declaratory act asserting the absolute sovereignty of Parliament over the colonies. Yorke pressed alone for a specific declaration of Parliament's right to tax the colonies, but was overruled by Rockingham and the final version of the Declaratory Act.

In the meantime, a flood of petitions for repeal by merchants and manufacturers was deluging Parliament. Their zeal was intensified by the sharp drop in exports to America caused by postwar depression, trade restrictions, and boycotts by American merchants. Exports to America had fallen by seven hundred thousand pounds from 1764, a drop of over twenty-five percent. Furthermore, unemployment was now severe in the export industries, especially in shipping, and fears grew of riots by the restless unemployed. Above all, Americans owed English merchants and financiers a mass of debt, and fears of default bestirred almost every merchant in England. Total American debt to England at this time has been estimated at nearly five million pounds. And all this to be sacrificed for the sake of a stamp tax designed to yield an annual revenue of only sixty thousand pounds! Skillfully timed, petitions for repeal poured into Parliament on January 17 from the merchants of Bristol, Lancaster, Liverpool, Leeds, and Halifax, from the manufacturers of Manchester, Leicester, and Bradford, and from the wool manufacturers of Yorkshire. Additional petitions soon came from Jamaica and from over twenty towns and cities, including Birmingham, Coventry, Nottingham, and Glasgow.

The Rockingham ministry's almost exclusive stress on the *economic* reasons for repeal and its blurring and playing down of constitutional reasons, while perhaps effective in the short run, stored up great trouble for the future. William Pitt's speech was generally misinterpreted as only denying Parliament's power of *internal* taxation of the colonies; whereas Pitt, as well as the colonists, denied all taxation imposed by the mother country, and agreed only to the latter's power to regulate the trade of the colonies. The Rockingham ministry, anxious to appease its vehement opposition, decided to stress the weaker limits, and to give the impression that the arbitrary internal-external distinction was that of the colonists also. Thus, when Pitt and his friend George Cooke tried to bring the petitions of the Stamp Act Congress—which clearly denied the right of *all* parliamentary taxation—before Parliament, the administration managed to suppress their hearing.

In keeping with this soft-sell strategy, of the forty or so administration witnesses appearing before the House on the Stamp Act, the featured American was none other than Benjamin Franklin.\* The deft and witty Franklin pleased the administration, not only by stressing the economic consequences rather than moral or political rights, but also by raising and stressing the old arbitrary and flimsy distinction between internal and external taxation that he and his friend Richard Jackson had originated over two years before. Nor was that all. Franklin changed the terms of the debate by his mendacious assertion that his was the dominant American argument. A completely rejected and bizarre distinction of Franklin's and of a few of his cronies was elevated by the wily Franklin to become in the eyes of the English the official stand of the American colonies.

On February 3, two weeks before introducing the motion for repeal, the Rockingham ministry introduced some sugarcoating for the forthcoming pill, the Declaratory Act. This bill asserted full parliamentary authority over the colonies. The crucial question of whether the power extended in full or in part to taxation was deliberately left ambiguous, as sop to all factions. Here Rockingham overrode the objections of the arch-conservative Whigs Attorney General Yorke and his brother, the Earl of Hardwicke, who urged that the right to tax the colonies be inserted into the bill. From the other side, Newcastle believed that the declaratory bill went too far. In Commons, Colonel Isaac Barré and William Pitt made a tactical error and tried to weaken the declaration; by losing they gave the impression to all England that the bill did include the power to tax the colonies. The Declaratory Act passed Parliament overwhelmingly, with only Pitt and a few hard-hitting liberals opposed in the Commons, and Lord Camden leading the handful of opponents in the Lords.

\*The Whigs were not above using bribery. None other than Major Thomas James, the anti-American hard-line commander from New York, was bribed with a very large sum to testify in Commons in favor of repeal of the Stamp Act. See Bernhard Knollenberg, *Growth of the American Revolution, 1766-1775* (New York: Free Press, 1975), p. 23.

At this point, however, the Tory opposition counterattacked with a resolution calling for armed enforcement of the Stamp Act in the colonies. On February 6, the Lords carried the resolution by three votes, and Bute's vote in favor was a clear signal of the king's true wishes. The vote, ominous to the administration, reflected an alliance of the Bedford, Grenville, and Bute forces. The next day, the elated Grenville introduced a similar enforcement resolution into the House of Commons. Grenville's motion was roundly defeated by a vote of 274 to 134. Its defeat indicated a critical turning point in the entire parliamentary struggle. The leading arguments in opposition to Grenville varied from those of the cynical Townshend, who favored force but first wanted troops to be built up in America, and of Pitt, to those of the impassioned Whig generals Conway and Howard, who threatened to maim or kill themselves before killing fellow men who were, in the words of Howard, "contending for their liberty."

The opposition had used poor tactics. The sight of their defeat on the enforcement issue staggered the politicians, and paved the way for the repeal of the Stamp Act. The motion for repeal was introduced on February 21 and passed early the next morning by a vote of 275 to 167. This was the decisive though not the final vote, and the people of England rejoiced throughout the land. The government had feared an insurrection at home if repeal had not passed; the industrial towns had threatened to send mobs to Westminster to enforce their demands for repeal. As it was, the throng of merchants outside Parliament cheered Conway and Pitt and hissed and threatened George Grenville. The bells of London's churches rang all day at the happy news; ship captains broke their colors; manufacturers began to rehire their workers; and merchants put their ships to sea once more.

The debate in the Lords opened on March 11. The lead for repeal was taken by Whig Lords Dartmouth, Newcastle, Grafton, Richmond, and Camden, and against by Halifax, Temple, Bute, and Bedford. The repeal passed the Lords by 105 to 71, with thirty-three Lords issuing a special public protest against it as weakness and surrender. The repeal was officially signed on March 18, to the accompaniment of more celebrations throughout the country.

Despite this signal victory, as well as such other accomplishments for liberty as making general warrants illegal and repealing the hated cider tax, the Rockingham ministry was close to collapse. The king hated the repeal and during the Revolutionary War was to recall it as his only political regret. Most of the King's Friends had voted against the repeal. Pitt was refusing to back the administration; by his grandstand play he had succeeded in making himself rather than the ministry the hero of the merchants and of the Americans.

## Aftermath of Repeal

The glorious victory over the Stamp Act was of course celebrated throughout the American colonies. Houses were lit, songs composed, and toasts drunk to the English champions of repeal. Throughout the colonies, the Sons of Liberty triumphantly directed the celebrations, and in later years were to celebrate the anniversaries of this and such other great occasions of resistance as August 14. The victory was generally interpreted as a victory also for the right of the colonists to tax themselves. Moreover, the vague Declaratory Act was not thought to assert the right of taxation over and above the right to legislation and regulation. The various colonial assemblies drew up addresses of thanks to the king and Parliament for the repeal, but did not at all yield their constitutional stands.

But amidst their rejoicing, the more farsighted colonists saw the evils inherent in the Declaratory Act, harbinger of taxation to come. George Mason, a leading Virginia planter, replied sharply and trenchantly to a condescending letter by leading English merchants warning the colonists to behave themselves and not exult over their victory. The colonists, answered Mason, were tired of being treated as schoolboys, who are to "do what your papa and mama bid you." The Americans have been fighting for their "birthright" as freemen, and have only gained common justice. Mason reminded the merchants that the stoppage of trade brought by resistance was a critical factor in repeal. He also detailed the infinite cost and trouble, perhaps including international war, that total military enforcement would have brought. Mason also warned of the suspect vagueness of the Declaratory Act, which failed to exclude taxation from the parliamentary domain.

In Charleston, Christopher Gadsden and the Sons of Liberty—one of the

hardest-hitting and most-uncompromising Sons groups in the colonies—were not taken in by the general rejoicing. In a prophetic speech to the Sons at Charleston's Liberty Tree, Gadsden warned of "the folly of relaxing their opposition and vigilance," or of indulging the fallacious hope that Great Britain would relinquish "her designs and pretensions." Gadsden noted the ominous implications of the Declaratory Act, and the Sons all joined hands and swore to eternal defense against tyranny. Furthermore, by mid-July, Silas Downer, a lawyer and secretary to the Providence Sons of Liberty, was writing to the New York Sons urging the need for maintaining the Sons' effective intercolonial organization, as well as the intracolonial one, especially in view of the Declaratory Act and the consequent need for vigilance to preserve the rights of Americans.

But men like Downer, Mason, and Gadsden—as well as writers in such papers as the *Boston Gazette*—were voices crying in the wilderness. Americans were all too willing to relax and abandon themselves to the general rejoicing at victory. The Sons of Liberty organization largely evaporated, although the leaders continued to be active, especially on ceremonial occasions.

Despite the general lull among Americans, a strong residue of revolutionary radicalism remained from the Stamp Act crisis. People began to call into question more examples of existing British tyranny. For instance, in New York, some began to call for abolition of the customs house and the royal post office as being unconstitutional and oppressive. And in Massachusetts the Whigs cemented their political hold on the province: the Council was purged of pro-Tories and a blacklist of thirty-two supporters of the Stamp Act in the Massachusetts House was drawn up—men whom John Adams scorned as "stamp men" and trimmers—and those thereon were largely purged in the elections of 1766. Sam Adams' continuing popularity was shown by his receiving the largest vote of the four Boston representatives, and the radicals' purge cleansed the Council of such Tories as Hutchinson, the Olivers, and Benjamin Lynde. The embittered Tories denounced the liberal victors as subverters and "scum," while John Adams exulted at the total triumph. From this point on, the Council, dominated by the wealthy liberal merchant James Bowdoin, marched with the House on the side of American liberty.

In August 1766, trouble flared up with the British; the redcoats summarily cut down the Liberty Pole in New York City. Swiftly, the Sons, though largely disbanded, rose to the occasion and engaged in a protest meeting of several thousand people. During the meeting, British troops fired into the crowd, wounding several people. Finally, the Sons triumphed by building another pole and refusing to allow the soldiers to patrol the streets. A minor incident perhaps, but indicative of strong latent resistance beneath the new surface of imperial harmony.

For the moment, however, relations with Britain would continue to look rosy, and the Rockingham ministry, spurred on by Trecothick, Fuller, and the

English merchants, managed to lower the molasses duty from threepence to one penny a gallon—another great boon to American trade and prosperity. Export duties on British West Indian sugar were removed, lowering its price on the American mainland. Still, American trade was at the same time hobbled by requiring that all colonial products shipped to northern Europe had to clear through British ports. Free ports were opened to colonial trade in the West Indies. But here Alderman Beckford, the Fullers, and the West Indian merchants, backed as usual by Pitt, sharply opposed the end of their monopolistic privileges. Pitt's maneuverings on this issue, indeed, helped to pull down the Rockingham administration. Pitt's enmity was also fueled by his vehement opposition to Rockingham's long-run plans for the repeal of the crippling restrictions on American trade embodied in the Navigation Acts.

The Whig idyll of peace and noninterference was indeed doomed to be only an interlude, though a highly important one. The king, more eager than ever to dump the Whigs but anxious to avoid the resurgence of Grenville, selected William Pitt to head the cabinet in August 1766. The king could now select Pitt as head of a Tory imperialist cabinet, while the deluded Americans would cheer the appointment of a supposed libertarian and champion of the colonies. Pitt's maneuvering and intrigues had finally paid dividends. His appointment was in fact hailed by the misguided Americans, but the colonists were not to remain under illusions about William Pitt for very long.

## Passage of the Townshend Acts

The Mutiny Act was one of the lesser of the major irritants imposed by the Pitt-Townshend administration. In early 1767, Townshend, with the consent of Pitt, decided to crack down on the Americans by making use of Franklin's strained distinction between internal and external taxation of the colonies. Townshend decided to levy "external" duties on the colonies, and to execute the law by ending salutary neglect and by instituting measures to enforce imperial customs and trade regulations. These were the "Townshend Acts" of 1767, which were passed at the end of June and which would become effective on November 20. Designed to bring in forty thousand pounds annually, the most fateful of these acts imposed new import duties on glass, lead, paint, paper, and tea. This money would be used to quarter British troops in the colonies, but primarily it would go for increased "support of civil government"—an obvious threat to the jealously guarded power of the colonial assemblies to appropriate the salaries of the executive officials.

To ease complaints against the heavy tax burdens in England, and to expand English power over the colonies, Townshend had decided to make use of the internal-external dichotomy. After all, he reasoned, if Americans, as he thought, could believe in this absurd distinction, let Britain make good use of this foolishness. Such proved to be the folly of England's taking Benjamin Franklin as representing the American people!

Parliament, piqued at the Americans and eager to shift tax burdens onto others, overwhelmingly supported the Townshend Acts; indeed, the chief opposition came from the Tories, led by Grenville, who argued against the acts for not going far enough. Among the Whigs, Edmund Burke, at this time one of their leaders in Parliament, led the opposition from the liberal

side; he astutely pointed out that the acts were not essentially different from the stamp duties and that the Americans would resist the former as they did the latter.

As a companion to the new duties, another Townshend Act radically increased the enforcement powers of British officialdom. Until this time, the various customs collectors and surveyors had been loosely controlled by commissioners of the customs in England. Now a new five-man American Board of Commissioners of the Customs was established at Boston, to exercise direct central control of American customs and trade act enforcement. The idea for the customs board had been given to Townshend by his protégé, Charles Paxton, surveyor of Boston, marshal of its vice admiralty court, and one of the newly appointed commissioners. Another Townshend Act authorized the appointed supreme courts of the colonies to issue writs of assistance—general search warrants—to enforce the customs regulations. A companion measure, to increase the effectiveness of admiralty-court enforcement, took effect the following year; it expanded the number of super vice admiralty courts from the single Halifax court to four, each of which would have both original and appellate jurisdiction in its own region. These courts were now located at Halifax, Boston, Philadelphia, and Charleston.

## The Nonimportation Movement Begins

The arrogant encroachments of the Townshend Acts immediately rekindled American resistance to British oppression. With the exception of tea, much of which was handled by the British East India Company, the commodities taxed by the Townshend Act were all manufactured products imported almost exclusively from Great Britain. The Americans therefore decided to employ the nonimportation weapon, which had proved so effective in pressuring the British merchants to have the stamp tax repealed. A nonimportation boycott promised to be the best means of fighting the Townshend duties as well.

Boston, the major port for reception of the newly taxed goods, was a natural point of origin for the resistance, and this vigilant and libertarian-oriented town did not disappoint anyone's expectations. The first public resistance came in the Boston Town Meeting of October 28, 1767, led by James Otis. The meeting drew up a lengthy list of British products that Americans were to pledge themselves not to purchase after the end of the year; colonists were to patronize local manufacturing instead. Copies of the resolutions were sent to all the towns in Massachusetts and to the principal towns in the other colonies. Twenty-four Massachusetts towns backed Boston's action enthusiastically, with only Salem refusing. The following month Boston petitioned for the constitutional rights of the colonists against the new duties.

This original phase of the nonimportation movement was organized by Massachusetts town meetings and pledged the public not to consume certain British imports. These actions were partially spurred by a commercial depression triggered by the restrictions and burdens of the Townshend Acts. Clearly, they would help those caught by the depression to retrench their expenses and hence their purchases of imported goods.

Massachusetts towns were not alone in following Boston's example. Rhode Island, in fact, not only followed but went one better: on December 2 a Providence Town Meeting pledged the town's *merchants* not to import a list of imported goods after the first of the year. Such a pledge of a nonimportation boycott by merchants was far more concrete and finely edged, and far easier to maintain than a vague and unwieldy pledge by the mass of consumers. Providence's action was really the first effective move for a mercantile boycott to pressure England for repeal. Any merchant failing to sign or to conform to the boycott was himself to be boycotted by the people. Two days later, Newport followed suit, and then small Rhode Island towns. In Connecticut, town meetings, led by Norwich, adopted nonconsumption agreements after the pattern of Boston's.

Historians have made much of the fact that popular resistance to the Townshend duties early took the form of boycott agreements, whereas resistance to the Stamp Act had stressed armed rebellion. This has been interpreted as a significantly conservative shift led by merchants fearful of popular mob actions. But this view ignores the crucial difference between the two threats. The stamp tax, being internal to all colonial transactions, *had* to be fought by dismantling the new Stamp Act bureaucracy and then immobilizing the stamped paper. This could be done only by the armed action of the aroused people. But the Townshend levies reverted to the more orthodox import duties, and early mob action would have been pointless. What was needed now was *mercantile* action: smuggling in defiance of the duties, and boycott pressure on English merchants. Mob violence at that point would have been ineffectual and even absurd, and hence was not embarked upon. As would soon be seen, neither the American liberal leaders nor the public had become more timid or conservative since the stamp crisis; different methods of oppression simply called for different means of resistance. The change was one of tactics, not of spirit.

As in the case of the Stamp Act, popular local action was supplemented by petitions and resolutions of the assemblies. A clarion call was sounded in the form of a letter drawn up by the indefatigable Samuel Adams and presented to the Massachusetts General Court. Adopted on February 11, 1768, the missive was sent out as a circular letter to the assemblies of all the other colonies. The letter acknowledged the power of Parliament to regulate the colonies, but categorically denied any power of taxation, internal or external. Furthermore, not only the constitutional but the *natural* rights of Americans were charged to have been violated by such a tax, because the doctrine of consent to taxation was an "unalterable right in nature ingathered into the British constitution." Hence the Townshend duties were spurned, along with any move to make executive (including judicial) offices independent of Assembly appropriations, and united action was called for. The Massachusetts circular letter was approved by the assemblies of New Hampshire, New Jersey, Connecticut,

Maryland, Virginia, Georgia, and South Carolina during the spring and summer, and Virginia reinforced it by a circular letter of its own against British taxation.

Another powerful and widely influential statement of the American case against the Townshend duties was delivered by the eminent leader of the Pennsylvania liberals, the young lawyer John Dickinson. Dickinson's *Letters from a Farmer* appeared in the *Pennsylvania Chronicle* around the turn of the year 1767–68. It denied the right of any parliamentary taxation and hence of the Townshend duties, although it conceded the right to raise a revenue incidental to regulation of American trade (as under the Sugar Act). Dickinson also called for a determined nonimportation campaign to effect repeal of the Townshend taxes.

It soon became clear that official petitions and individual protests and even uncoordinated local boycotts were not enough; more concerted and unified efforts were evidently necessary. On March 1, the merchants of Boston, led by Captain Daniel Malcom, pledged to cease importing *all* goods from Great Britain for one year, provided that the merchants in New York and Philadelphia, the two other major American ports, would agree to join. Almost all the merchants of Boston signed this agreement, as did the merchants of Salem, Marblehead, and Gloucester (although the merchants of Portsmouth, New Hampshire, refused). After several meetings, almost every merchant and trader of New York agreed to import no British goods after October 1, 1768, and until repeal of the Townshend duties, provided that Boston continued its boycott and Philadelphia concurred. The Boston merchants accepted these terms in early May, but Philadelphia was a different story.

The city of Philadelphia, scarcely hit by the trade depression, was more heavily ridden with Tories than any other city in the American colonies. Here the Tory machine of Joseph Galloway was in control, and was able to overrule John Dickinson. During meetings in Philadelphia in March and April 1768, Dickinson eloquently reminded the merchants of the numerous attempts by Great Britain to cripple the trade and the nascent manufacturing of the colonies. The Townshend Acts were an invasion of liberty; and liberty, property, and industry went hand in hand. Therefore, Dickinson urged the merchants to forgo present advantage for principle and for long-run self-interest. But the Philadelphia merchants, taking their cue from Galloway, remained unmoved, and the great and imaginative project for a nonimportation league of merchants from the leading American cities collapsed.

Philadelphia's betrayal was a severe blow to the colonial cause. Notwithstanding, nearly all the merchants of Boston fearlessly agreed on August 1 to go it alone, and to discontinue imports of all goods from Great Britain for the entire year of 1769, as well as imports of all goods on the Townshend duty list until those duties were repealed. The heroic example of Boston's merchants inspired others; soon the merchants of Salem, Plymouth, and other

towns followed suit. On August 27, the New York merchants decided to go far beyond their Boston confreres. Almost unanimously they agreed to cease *all* importation after November 1, 1768, and until the Townshend duties were repealed. Any subscribing merchants violating the agreement would be publicly designated "Enemies to their Country." Furthermore, the retail tradesmen in New York signed an agreement to refuse to buy from any merchants who themselves refused to sign or follow the merchants' agreement. The merchants of Albany and other towns of the province also concurred. The following April, New York's Assembly, on motion of Philip Livingston, merchant and leader of the liberal wing of the landed oligarchy, voted its thanks to the New York merchants for their patriotic decision for a boycott.

Once again, in the fall of 1768, the merchants of Philadelphia were on the spot. And once again they coolly ignored the pressure for a boycott, and confined themselves to their own petitions, supporting a request to England by the Pennsylvania Assembly for repeal of the Townshend Act. Finally, however, the Philadelphia merchants pledged themselves to nonimportation effective next spring, if the Townshend Act had not then been repealed. With no sign of repeal in mid-March of 1769, the great bulk of the Philadelphia merchants at last agreed to import virtually no goods from Great Britain after April 1, 1769, until the Townshend duties should be repealed. Any violator would be publicly stigmatized as an "Enemy of the Liberties of America." Thus, by the spring of 1769, the three great ports had joined in a boycott until repeal. After a year of shilly-shallying, Philadelphia was at last permitting concerted American pressure upon Great Britain. The boycott movement was over the top.

## Conflict in Boston

Meanwhile, during 1768, the British government managed only to stiffen American resistance by its frenzied reaction to the circular letter of Massachusetts. Charles Townshend had died suddenly in early September 1767. The Townshend Acts of course remained; the evil that he did lived after him. The subsequent reshuffle of the cabinet swung the balance of forces sharply to the right, with new power accruing to the followers of the arch-imperialist Duke of Bedford. Townshend's post as chancellor of the Exchequer was filled by the arch-Tory Frederick Lord North, who also replaced the liberal Conway as leader in the Commons. A critical new post of secretary of state for the colonies—in charge of colonial affairs—was filled by the imperialist Lord Hillsborough, formerly president of the Board of Trade.

Hillsborough reacted in horror to Massachusetts' circular letter. At the end of April 1768, he countered that mild action with a circular letter of his own, ordering the royal governors to dissolve any colonial assemblies that would dare to endorse the Massachusetts letter. For Massachusetts, Hillsborough ordered special punishment: its cherished Assembly was not to be allowed to meet again until it repudiated its circular letter. Here Hillsborough had been anticipated by Governor Bernard of Massachusetts, who had condemned the circular letter as seditious and dissolved the Assembly in early March.

Lord Hillsborough's bombshell was issued too hastily on several counts. For one thing, it had been sent without consulting the cabinet, where it was severely denounced by the liberals. But the fat was already in the fire. Second, several of the assemblies had already endorsed the letter by the time Lord Hillsborough's order was received in America. In any case, Hillsborough's effrontery was enough to influence Americans once more against British tyr-

anny. The colonies were incensed at this ferocious attack on their elementary right to petition, something enjoyed even by the slaves in America. Even someone as conservative as George Washington began to think of taking up arms in defense of American liberty.

Repression had only lit the spark of resistance in America. Colony after colony rushed to commend the Massachusetts circular letter. The spirit of resistance even stirred in Pennsylvania, although here Joseph Galloway was able to table any endorsement of Massachusetts. Massachusetts itself stood firm; Otis demanded that Britain promptly rescind its actions. The Massachusetts Assembly on June 30 defeated the royal order to rescind by the overwhelming vote of 92 to 17. The Assembly was then promptly dissolved by Governor Bernard. Throughout America the "glorious 92" were hailed as heroes of American liberty, while the seventeen rescinders were condemned as traitors and tools of Great Britain. Of the seventeen, twelve had been appointed officials under the royal governor. The town of Marblehead, Massachusetts, in unanimously voting to thank the ninety-two, trenchantly warned that the British were seriously miscalculating in thinking of the resistance as the product only of a minority faction rather than of the bulk of the people. The radical Massachusetts engraver, Paul Revere, depicted the seventeen in an influential cartoon as marching into hell. Sam Adams and the Sons of Liberty mobilized against the rescinders, and no less than twelve of them lost their seats in the elections of the following May.

Meanwhile, Boston was being particularly scourged by the presence of the new Board of Commissioners of the Customs, which began operations at the end of 1767. The customs board soon found to its horror that salutary neglect had indeed been in operation: violation of the imperial trade laws was rampant. Only six seizures of shipping had been made in New England since 1765; and of these violations, only one court case had been won by the Crown. Of the five other cases, two had been acquitted in Rhode Island under severe public pressure, and the three other ships in Massachusetts and Connecticut had been rescued by mobs.

The customs board swiftly and radically transformed the customs service. The old customs officials, who had settled into a mutually pleasant and profitable arrangement with the merchants, were dismissed and replaced by eager and unfortunately incorruptible Scotsmen. The new bureaucracy, led by a network of paid informers, swept down upon ships and managed to suppress the bulk of smuggling, and hence of shipping, in Boston. Boston's economic depression was thereby greatly intensified. The board did not succeed in suppressing smuggling, and hence shipping, in the other ports, but Boston was seriously crippled. The Massachusetts merchants were understandably embittered; and the customs commissioners were denounced as robbers, miscreants, and "bloodsuckers upon our trade."

Confronted with the oppression of customs and of Navigation Acts

enforcement, the people of the colonies, especially in the northern seaports, were forced to turn once again to their most powerful weapon: rebellion in the streets. The armed rioting was directed against the oppression of the customs officials. First, ships and cargoes were recaptured from the clutches of the government, under cover of night; second, as a supplement, stern warnings were issued to customs officials and their hired informers. Throughout 1768 and 1769, stripping, tarring, and feathering by mobs proved to be highly useful devices for intimidating the enemies of the people. Informers quickly learned a valuable lesson and abandoned their underhanded profession, while customs officials promptly fled the colony. Despite arrogant demands by the governors, local sheriffs and magistrates happily refused to do anything to stop the people's resistance. And even when officials were foolhardy enough to track down the mob leaders and bring suit, the sympathetic juries invariably freed the resistance leaders. Prosecution of rebel leaders could only take place in common-law courts, and here juries were eager to protect their heroes.

The customs commissioners, like Lord Hillsborough and most of the British officialdom, were nothing if not hard-line scorers of any "appeasement" of the colonies. In this they were aided by the arrival of a British man-of-war sent in answer to their request for armed help. The consequence, each step of the way, was to inflame and redouble the popular resistance. The customs board decided to repress the resistance by concentrating on and crucifying a man who was the leading financial angel of the Massachusetts radicals: John Hancock. Hancock, one of the wealthiest merchants in New England, symbolized the popular struggle. He had refused to lead a parade in honor of the commissioners' arrival, and had snubbed them socially. More important, he had early and energetically announced in the Assembly that he would not permit any customs officials to board any of his ships.

The first skirmish between the commissioners and John Hancock came in April 1768. He refused to let customs officials search his ship *Lydia*, and backed up this refusal with the presence of himself and numerous followers. The commissioners tried to bypass a jury trial in prosecuting Hancock, but the attorney general of Massachusetts ruled for Hancock and was upheld by the Treasury in England. Thwarted here, the board struck again on June 10: seizing Hancock's sloop *Liberty* in Boston harbor for loading without a license, a regulation hitherto unenforced. Knowing that for months no seized vessel in New England had gone unrescued by the people, the customs men towed the *Liberty* out close to the British man-of-war *Romney*.

To the people of Boston this act of oppression was the last straw. The Townshend taxes, the repression by the commissioners, the attempts by the British navy to impress Bostonians as sailors on the *Romney*—all fused to provoke mob action to defend their popular leader Hancock. In addition, the new customs regime was hated personally by Americans: one commissioner

was the execrated John Robinson, formerly of Rhode Island; another, Charles Paxton, was a friend of Hutchinson and an organizer of the customs board.

It was for Boston the time of the Stamp Act all over again. A mob threatened and set upon the customs officers, stoned their houses, and burned one of their pleasure boats. Leaflets were distributed urging the people to rise and clear the country of the customs officials. The commissioners promptly fled to Castle William and continued their operations from that privileged sanctuary.

Four days after this successful riot, James Otis led a tumultuous town meeting in Boston. The meeting demanded that every British naval commander in Boston be under the orders of the Massachusetts General Court, that the *Romney* be removed, that the customs board be dissolved, that impressments cease, and that anyone who sought British troops in Boston be branded a traitor and a disturber of the peace.

Impressments, incidentally, had been causing intensified bitterness and opposition in Boston during 1768. A Boston mob attacked boats from the *Romney* that were impressing fellow townsmen. Sailors were treated as criminals by the press gangs, and conditions and pay were poor on the naval vessels. The vice admiralty court went so far as to acknowledge that Americans who killed a British naval lieutenant during impressment, had killed in justifiable self-defense against an invasion of their persons.

The customs commissioners, it was true, had been driven temporarily out of Boston. But what about the *Liberty*? Under the protection of the *Romney*, Hancock's ship was quickly tried in the vice admiralty court without benefit of jury, and condemned. But this was only the first step in the vindictive plan of the commissioners. The *Liberty* had been seized on a picayune technicality, but the commissioners were out to get Hancock personally. One of their officials, Thomas Kirk, suddenly changed his story and now told a wild tale of casks of Madeira wine being unloaded from the *Liberty* without payment of duty. Despite a lack of evidence or corroboration of this testimony, the Crown proceeded to try Hancock and five others for the alleged violation. Hancock was jailed by the vice admiralty court and his bail set at the huge amount of three thousand pounds sterling. Hancock's trial was launched at the beginning of November 1768.

British officialdom and the people of Massachusetts were now at the point of armed conflict, a point brought nearer by further requests for British troops to put down the Bostonians. News of the Boston resistance fanned the flames of an aggressive tough-line attitude towards the Americans. Tories thundered that measures must be taken to show "those braggarts their insignificance in the scale of the empire," and to reduce the great metropolis of Boston to "a poor smuggling village." Even Lord Rockingham regarded Boston's resistance as "most dangerous and offensive." The fatal decision was made to send four regiments of troops to occupy Boston and to put down its virtual rebellion. Few yet had the courage or insight to call for escaping from Britain's

dilemma by repealing the Townshend Act structure. Still, pro-American opinion among the English public was very much alive, and newspaper articles hailed the American "spirit of liberty" in "struggling against oppression" and unconstitutional coercion, and in fact mentioned that the bulk of the British people were wholehearted believers in the American cause. Furthermore, the eminent Whig Sir George Savile perceptively wrote Rockingham that "it is in the nature of things that [the] . . . colonies . . . must assume to themselves the rights of nature and resist those of law; which is rebellion." And the great Newcastle remonstrated with Rockingham about coercing the colonies: "For my own part, whoever is for it, I must in conscience enter my protest against it; and I hope our friends will well consider before they give in to so destructive a measure."

## British Troops Occupy Boston

Perhaps these events helped build the optimism of Sam Adams and Dr. Benjamin Church, of the Boston radicals, who called for resistance to any invasion by British troops on the ground that Britain was a "tottering empire." The erratic James Otis also took heart. In late June, at a meeting of the Massachusetts Assembly, Otis extolled the memory of Oliver Cromwell and the execution of King Charles. Aroused from shock, Governor Bernard denounced Otis's speech as "the most violent, insolent, abusive, treasonable declaration that perhaps was ever delivered." A few weeks later Otis urged one and all to "defend our liberties and privileges . . . even unto blood" and to don the sword and musket in that cause.

Thus, by the latter half of 1768, Americans were pursuing two courses of resistance against the exactions of the Townshend-Hillsborough program. The first was general (though it concentrated necessarily on the port towns): expansion of nonconsumption and, especially, nonimportation agreements in boycott of British goods. The second was largely limited to Boston: resistance against a crackdown on illegal trade by the new Board of Commissioners of the Customs stationed there. This reign of rigid enforcement was primarily aimed at Boston; against *such* measures mere boycotting was not enough, and had to be supplemented by direct mass action. The decision to send troops to Boston made that port the acute center of conflict in the colonies.

Word of the decision to send an army of occupation to Boston galvanized the people of Massachusetts into action. Sparking the opposition to heights of revolutionary fervor was Samuel Adams. Rather than submit to military rule, Adams proclaimed, "We will take up arms and spend our last drop of blood." He promised that thousands of Massachusetts farmers would sweep down to

aid the embattled people of Boston. Rumors spread of two secret meetings of the Sons of Liberty, which plotted to incite the people of Massachusetts against the troops, and to seize the Boston harbor fortress of Castle William in behalf of the Sons of Liberty.

With the May Assembly dissolved by Governor Bernard for disobedience, the Boston Town Meeting took the lead in organizing the resistance. (Other assemblies that would eventually be dissolved by the royal governors for favoring pressure against the Townshend laws were those of New York, Maryland, Virginia, North Carolina and Georgia.) The town meeting was now the only legal body that could serve as a focus of resistance against Great Britain.

Accordingly, the Boston Town Meeting met on September 12 in a session planned and organized by radical leaders Otis, Sam Adams, Joseph Warren, and other Sons of Liberty. The meeting again stressed that taxation without their representation violated the British constitution and natural law; and sending an occupying army to enforce such unconstitutional acts was all the more unconstitutional. The Boston Town Meeting also used the clever excuse of an "approaching war with France" (a cherished policy of Chatham and Shelburne) to order all citizens to bear arms so as to resist any "French invasion." The Bostonians knew very well *whose* invasion they had in mind.

With a meeting of the Assembly denied to it, Boston summoned a newly created convention of delegates from all the towns to take proper action. In this way an extralegal, revolutionary institution was created by the people of Massachusetts to aid them in their struggle. Meanwhile, preparations continued for armed uprising against the British invasion. Before it was removed by the Council and sheriff, a beacon was set on top of Beacon Hill in Boston, which was to be burned as a signal to armed farmers to rally to Boston's aid.

The Massachusetts Convention met on September 22, with most of the towns—ninety-six in all—sending delegates and instructions of support. Its composition was very similar to that of the regular lower house. It is not clear what the radicals desired the convention to accomplish. Having imitated the proscribed Assembly by selecting the conservatively inclined Thomas Cushing as chairman, the convention confined itself to issuing a protest against the British troops. The arrival of these troops on September 29 caused the convention to disband in haste, after doing little more than setting a useful revolutionary precedent by its very existence. Also, the Sons of Liberty talked of mounting an armed resistance, but it never materialized. It is doubtful that all-out armed resistance by Boston at that time would have drawn in other towns and colonies, and an isolated Boston uprising would have had very little chance of succeeding.

The Massachusetts Council, the town of Boston, and later the new Massachusetts Assembly refused to permit the British troops to quarter in the town, but General Gage quartered them there nevertheless. The Council was con-

trolled by the House and by the popular forces, and the governor could not dismiss any magistrates without its approval. With the military refusing to enter civilian disputes, the popular liberal party still controlled the town of Boston. Furthermore, despite herculean efforts, smuggling was still far from being stamped out.

The settling of an armed occupation did not cow the town or the province. The liberals swept the Massachusetts spring elections of 1769, and Boston condemned the British and praised the American merchants for their boycott of British goods. A distinguished liberal Congregational minister, the Reverend Samuel Cooper of Boston, wrote that the entire province was united in its stand against the British troops and the Townshend Acts. The radical-dominated Assembly proceeded to purge four Tories from the Council. The conservatives were now routed from the Assembly and in the court of public opinion.

The popular liberals won another signal victory in the winter of 1768–69 in connection with the prosecution of their leading merchant, John Hancock. In his trial for smuggling, Hancock was defended by the brilliant young Boston lawyer John Adams, who moved from technical issues to the unconstitutionality of the statute, since the colonies had not been represented in Parliament, and the unconstitutionality of trial without jury. As months went by in the lengthy trial, Thomas Kirk became an increasingly flimsy and untenable witness, and John Hancock became a hero among the press and throughout the colonies. Finally, at the end of March 1769, the prosecution dropped the case. Hancock was free, and the popular forces had triumphed again.

## Nonimportation in the South

Undoubtedly, the coercion against Boston helped to expand the nonimportation movement; and it had, by spring 1769, induced the merchants of the three great American ports to adopt such boycotts. From New England, New York, and Philadelphia the boycott movement now spread to other colonies. However, the situation in the South, especially the tobacco colonies of the upper South, was more difficult than in the North. In those southern colonies, commerce was conducted mainly by English and Scottish factors or independent merchants. These were not likely to turn against Great Britain and their own possibilities for trade. In the South, therefore, there was a tendency to stress nonconsumption agreements—as in the early New England boycotts—and thus to go over the heads of the merchants to the people. The boycott movement was led by the leading consumers in each province, the large tobacco planters.

In Virginia, organizers of the boycott were the large planters George Washington and George Mason, joined by Peyton Randolph, Richard Bland, Patrick Henry, Thomas Jefferson, and Richard Henry Lee. When the House of Burgesses met in May 1769, it proclaimed that it alone had the right to levy taxes in Virginia, and attacked Britain's reaction to the Massachusetts circular letter. It also denounced a British threat to haul Massachusetts' patriot leaders to England to stand trial for treason. When the Virginia governor dissolved the House in reaction to these resolutions, the members met privately on May 18 and formed the Virginia Association, pledging nonimportation and nonconsumption of all British goods subject to a duty, with the exception of paper, as well as of a long list of imported fineries. The agreement was devised by Mason and Washington, and Randolph was selected chairman of the association. Back in their home counties, the planters persuaded many of the public to sign the agreement.

In neighboring Maryland, the merchants of Baltimore joined their confreres in Philadelphia to adopt a nonimportation agreement at the end of March. Outside Baltimore, however, the traders and factors refused to join, and so planters led the way in bypassing them, signing a nonimportation agreement in Annapolis and Anne Arundel County on May 23. Most Maryland counties soon followed suit, and this led to the Annapolis leaders calling a meeting of "Merchants, Traders, Freeholders, Mechanics and other Inhabitants" for June 22. The Maryland Association added more luxuries to its taboo list. It also went beyond previous agreements by pledging a business boycott of all persons not adhering to the agreement; such were to be treated with contempt as "enemies to the liberties of America."

The largest mercantile town in the South was Charleston, South Carolina. But Charleston lagged badly in joining the boycott movement. The "mechanics" (artisans) of Charleston and the planters of the province favored resistance, but the merchants proved apathetic. Receipt of the circular letter of the Boston merchants in the fall of 1768 galvanized the South Carolinians, and the Charleston artisans won seats in the Assembly on the cry of supporting the "glorious 92" antirescinders of Massachusetts. The leader of the South Carolina boycott movement was the noted merchant-planter Christopher Gadsden, who welded the planter-artisan alliance. Spokesman for the alliance was the (Charleston) *South Carolina Gazette*, printed by Peter Timothy. In early February, Timothy urged nonconsumption of imports on the people of the province, and printed letters by planters urging such a boycott as a means of bypassing the reluctant merchants. Charleston artisans met around the Liberty Tree in March, calling for nonimportation. By mid-June 1769, "Societies of Gentlemen" had sprung up in Charleston, pledging themselves to buy no British goods that could be manufactured in America.

Thus, rich and poor united in favor of resistance. Still, despite the army in Boston and the widespread nonimportation movement throughout the colonies, the Charleston merchants hung back and did nothing. The time had come for sterner measures by the popular liberal forces. Accordingly, Christopher Gadsden kicked off a new phase on July 22 with a denunciation in the *Gazette* of importers of British goods, most of them newcomers in the colony. Gadsden and Timothy pushed for a formal nonconsumption agreement, one pledging an all-out boycott of *all* imports from Great Britain until the Townshend Acts were repealed. A boycott was also threatened of all citizens who did not sign the agreement within a month.

Heading the struggle for a boycott was Christopher Gadsden. Accused of advocating independence for the American colonies, Gadsden replied that independence would be bad, but added that losing their rights and liberties would be far worse. Aiding Gadsden in the fight were his old colleague at the Stamp Act Congress, Thomas Lynch, and the radical planter John MacKenzie. The original nonconsumption agreement was also signed by twenty-five members of the South Carolina Assembly. On July 3 and 4, 230 mechanics of

Charleston met under the Liberty Tree and signed the agreement, and even strengthened it by adding a pledge to buy no British goods from transient traders, and to import no slaves from British traders. Some of the mechanics also proceeded to pledge to deal only with merchants who signed the non-importation agreement.

The merchants railed at these agreements as worse than those of a despot, ignoring the vital distinction that such boycotts were purely voluntary decisions rather than coercive acts backed by the state or by any other force. Reluctantly, the merchants were dragged to the radical position. At first, on July 7, they signed their own, weaker nonimportation agreement limiting the boycott to the year 1770 and permitting certain articles to be imported. Further friction and severe pressure finally brought the merchants around. A joint committee of merchants, planters, and artisans drafted a uniform agreement, and on July 22 Christopher Gadsden triumphantly read this final agreement to a great audience under the Liberty Tree. Over four hundred signers in this General Meeting of Inhabitants formed an association headed by a thirty-nine-man General Committee of thirteen representatives each of merchants, planters, and artisans to supervise the workings of the agreement.

The joint agreement was largely a victory for the radicals. Signers agreed to import no goods from Britain; to maintain previous prices; to buy no imports from transient merchants, or Negro slaves for a year's time. Any nonsigner South Carolinian would be boycotted, and any violator was understandably to be "contemptuously advertised as being inimical to American rights." Of particular importance was the pledge to continue the boycott not only until the duties were repealed, as was usual, but also until repeal of the entire Townshend Act structure, including the customs board and the new powers of the vice admiralty courts. Most enthusiastic of the advocates were the artisans, who, it must be noted, had a distinct economic interest in nonimportation. As local "manufacturers" of domestic products, they were the ones who stood to gain most from the patriotic boycott banning the products of their British competitors.

Georgia suffered from the same occupational split on the Townshend measures as did her sister plantation colony. But a letter from the South Carolinians galvanized fraternal feelings in Georgia, and the radical "Amicable Society" met at Liberty Hall, Savannah, and called a meeting of inhabitants. The timorous merchants of Savannah tried to head off the association movement by proposing a weak substitute of their own—an agreement to boycott imports of only the *dutied articles*. But the mass meeting of September 19 followed the South Carolina principles closely, and overruled the merchants without even a pretense of gaining the merchants' approval.

North Carolina was still a holdout, with the merchants the main obstructive force. But the dam broke when Cornelius Harnett led the Sons of Liberty of Wilmington and Brunswick into nonimportation resolutions at the end of

September 1769. A provincewide association emerged after the manner of the Virginia Association a half-year earlier. The North Carolina Assembly adopted the Virginia resolutions on importation, and was promptly dissolved by Governor Tryon. The assemblymen quickly met as private citizens, and on November 7, 1769, drew up an association for nonimportation. The agreement was much like Virginia's; violators, furthermore, were "to be treated with the utmost contempt."

# 43

## Rhode Island Joins Nonimportation

One by one the other colonies joined in the boycott movement. The grand jury and then all the freeholders of New Castle County in Delaware followed Philadelphia's lead, at the end of August 1769. In New Jersey the Assembly, in mid-October, passed a vote of thanks to the noble conduct of the merchants and traders of New Jersey, New York, and Pennsylvania for stopping the importing of British goods. Mass meetings in Essex County and at New Brunswick pledged nonimportation and a boycott of all nonsigners and violators. Connecticut merchants heeded the appeals of their fellow merchants from the large port cities. The merchants in New Haven agreed in mid-July 1769 to purchase no British goods, except for certain commodities excluded in the Boston and New York agreements. Violators were to be boycotted as "enemies of their country." Merchants at Groton and New London followed suit in August. The farm-dominated Connecticut House, in mid-October, gave its enthusiastic approval of the nonimport agreements. The boycott was joined by the towns of Wethersfield and Norwich at the end of the year. Merchants and some other citizens from all over Connecticut met in late February 1770 and drew up a uniform agreement for the entire colony. Violators were to be boycotted whether they were individual merchants or entire provinces.

Two continuing recalcitrants were Rhode Island and New Hampshire. Of these Rhode Island, a leading mercantile center, was by far the more important. Rhode Island's merchants took the golden opportunity to reap trade while their fellows were renouncing profits in behalf of principle. Thus, Rhode Island imports of British goods grew during 1769, and much new trade in these goods was conducted in western Massachusetts. Providence merchants and its town meeting, it is true, extended an old but loose nonimportation agreement. Newport merchants, however, were far more stubborn. Severe

pressure descended upon Newport from the other colonies: the Philadelphia Merchants Committee threatened to sever commercial relations; Boston shut off all trade with Newport; and Charleston was preparing to enter the fray. Even a nonimportation agreement drawn up by Newport merchants, at the end of October 1769, proved unsatisfactorily lax, and Philadelphia and New York merchants proceeded to boycott Newport. Finally, in late January 1770, Newporters surrendered and agreed to a strong nonimportation agreement.

By no means all Rhode Islanders, it should be noted, lagged behind in the resistance movement. As early as September 1767, an article in the *Providence Gazette* spoke eloquently of the natural rights of mankind, declaring it a self-evident truth that all were by nature equal in rights. The obligation to obey man-made laws rested on the consent of men. Therefore, it concluded, Parliament not only had no right to tax unrepresented Americans; it had no right to regulate them either. Leader of these logical advances in libertarian thought in Rhode Island was Silas Downer, a lawyer and a leader of the Sons of Liberty of Providence. In a speech to the Sons at the Providence Liberty Tree in July 1768, Downer, while admitting allegiance to George III, denied the right of Parliament to make "*any laws whatsoever* to bind us. . . ." He went on to apply this principle, denouncing royal post office charges in America as a tax and therefore illegal. Moreover, Downer attacked the British laws of trade and manufacturing as violations of the natural rights of men.

At least one Rhode Island writer trenchantly called for extending the libertarian doctrine to one group often neglected by the Americans: Negro slaves. If the cry for liberty is sincere, why is not the principle extended to the Negro slaves at home, the writer challenged? The only way to prevent enslavement from abroad, he declared, was to end "that hellish practice of . . . enslaving another part of the human species," for Negroes were surely Sons of Liberty, too.

New Hampshire's failure to join the resistance had a simpler and far different cause. An agricultural province lacking a large trading town, this small royal colony was a virtual fief under the thumb of the Wentworth family. As merchants, landowners, and top executive officials in the province, this family, uniting formidable political and economic power, was able to dominate the affairs of New Hampshire for decades. At the apex of this cozy pyramid was Sir John Wentworth, the royal governor and the surveyor of the King's Woods for all the colonies. Wentworth astutely named numerous new towns and counties in New Hampshire after his friends at the British court—for example, Rockingham, Grafton, and Hillsborough counties—and founded in 1770 a new college that he named after his friend the Earl of Dartmouth. Also in 1770, eight of the nine members of the appointed Council of New Hampshire, as well as a judge and a clerk of the superior court, were members of Governor Wentworth's family. In this situation, no nonimport association could be formed in New Hampshire.

## Boycotting the Importers

By late 1769, merchants of every province but New Hampshire had organized to support nonimportation agreements, of varying comprehensiveness and scope. How were they "enforced"?

The merchant associations generally appointed committees to watch over vessels and shipments, and to promote the public boycotts of offenders. In New York the boycott was remarkably effective: total imports from Great Britain to the port fell from over four hundred and ninety thousand pounds in 1768 to about seventy-five thousand pounds the following year. Once in a while, the overeager New York Sons of Liberty strayed beyond the colonists' scrupulous limits of using strictly voluntary methods of pressure upon non-cooperating merchants. Thus, in the fall of 1769, a blend of boycott and mass intimidation induced the silversmith Simeon Cooley to flee New York; a jeweler, Thomas Richardson, confronted by a scaffold and a mob at the Liberty Pole, was forced to pledge his cooperation. The following June a transient noncooperating merchant named Hills had his goods seized and burned by a mob. Hills promptly fled New York. But these dishonorable instances were few and far between, and the Merchants Committee of Inspection denounced the mob action against Hills as the work of "lawless ruffians."

Philadelphia's record of compliance was remarkable, when one recalls that city's original reluctance to join the boycott. The merchants' main efforts were to weaken the agreements to the looser terms enjoyed by the Albany and Maryland merchants. Philadelphia imports fell from four hundred and forty thousand pounds to some two hundred and five thousand pounds the following year. No coercion or intimidation of the merchants appeared in Philadelphia. Connecticut, New Jersey, and Delaware also cheerfully complied with the

agreement and gave little trouble. Apart from the caldron of Boston, which will be treated below, only reluctant Newport in the northern colonies gave the nonimport movement much trouble. Indeed, there is evidence that even prominent members of the Newport Sons of Liberty, as well as the Merchants Committee itself, connived at virtually open violations of the nonimportation covenant.

Compliance with the boycott in the southern provinces was another story. The indifference or hostility of the merchants caused imports from Britain actually to increase during 1769, particularly in Virginia. The opposition of the British factors and their agents in Virginia forced the resisters to modify the boycott agreement, and attempts at enforcement by the Merchants Committees of Inspection or county associations were few and feeble. Enforcement efforts were far more successful in Maryland, where many more of the merchants were native-born and hence more enthusiastic about resistance. Too, and not unimportant, the Philadelphia merchants kept a watchful and suspicious eye upon their Baltimore confreres.

The boycott movement was not more successful in North Carolina and Georgia than in Virginia. The merchants ignored the provincial associations instituted by the North Carolina Assembly in late 1769. Finally, in early June 1770, the Sons of Liberty called a general meeting at Wilmington comprising many planters and others from six of the larger counties. The meeting agreed to boycott and publicly condemn all noncompliers with the agreement, and Merchants Committees of Inspection were selected in each county, concentrating on the towns of Brunswick and Wilmington. By the fall of 1770, enforcement had become effective as a result of these efforts.

In contrast to the strenuous if belated efforts at enforcement in North Carolina, Georgia made no attempt whatever to pressure compliance with the boycott. Fortunately, Georgia's trade was so negligible that its desertion had little effect. Nevertheless, a general meeting of inhabitants of Charleston, at the end of June 1770, unanimously urged the total boycott of all trade with Georgia, which ought "to be amputated from the rest . . . as a rotten part that might spread a dangerous infection. . . ."

The most interesting southern reaction, and one potentially explosive, to the problem of compliance occurred in South Carolina. There Christopher Gadsden and his vigilant band of radical-liberals stood alert to exert maximum pressure on reluctant merchants. These men, with their great ardor and zeal for liberty, were comparable only to the embattled libertarians of Boston. Like their comrades in Boston, the popular liberal forces of South Carolina confronted organized and articulate opposition, which was led by the wealthy young planter William Henry Drayton. Battling in the pages of the *South Carolina Gazette* during August 1769, Drayton denounced Gadsden as an advocate of enslavement masquerading as a libertarian; for private associations to brand noncompliers with the boycott as traitors, was a usurpation of the

function of the legislature. Here Drayton confused the vital distinction between voluntary and coercive actions, and hence between private and governmental actions. It was typically "conservative" for Drayton to believe that a state branding and punishing a man for treason was somehow legitimate and not really coercive, whereas *private* denunciation and peaceful boycott *were* illegitimately coercive. Also typically conservative, Drayton advocated jailing Gadsden for the latter's views.

The famous Gadsden-Drayton debate finally led the people of Charleston to publish and distribute handbills in early September containing the names of the recalcitrants. (The original motto of the Charleston General Meeting establishing the boycott had been "Sign or Die," but this proved to be bragadocio, as no attempt was ever made to go beyond boycott and public ostracism to such violence.) The leading nonsigners, aside from the inevitable royal officials, were Drayton, William Wragg, and John Gordon. Again, Drayton and Gadsden engaged in debate on the fundamental nature of liberty. Drayton asserted that the Gadsden liberals were "laying illegal restraints upon the free wills of free men" — that is, of the nonsigners. Gadsden retorted that the association violated not a single law and that free men had the right to associate—and hence *not* to associate—with whomsoever they pleased. Drayton replied by falling back on such cant as the old Tory doctrine of "conspiracy," which supposedly made such boycotts punishable by law. Wragg was more explicit in pointing out that such boycotts should be as illegal as combinations of labor to raise wages. In his rebuttal, Gadsden transcended the preceding debate to proclaim the right of a people, where their rights have been invaded by government, to reassert their inalienable natural rights, those "*inherent rights of SOCIETY, which no climate, no time, no constitution, no contract* can ever destroy or diminish."

Drayton did try to suppress the boycott at law. He could not go to the courts, for most of the judges (to say nothing of the juries) were signers of the association. And the South Carolina House summarily rejected his plea, which testified to the effectiveness of the boycott. Finally, the boycotters won. Drayton left in defeat for England in early January 1770, sailing, appropriately, on a ship carrying unsold boycotted goods back to Britain. Editor Peter Timothy of the *Gazette* thereupon exultantly listed among the unacceptable goods sailing back to Britain one "William Henry Drayton, Esquire."

The Charleston General Committee, enlivened as it was by mechanics and planters, vigorously enforced the boycott, aided by the alert Merchants Committee of Inspection. Slaves imported by British traders were promptly sent back. Indeed, so effective was the boycott that total English imports in both Carolinas fell from over three hundred and five thousand pounds in 1769 to slightly over one hundred and forty-five thousand pounds in 1770.

Particularly significant was the nonimportation movement in Boston, for here the struggle for the boycott coincided with Boston's necessarily more

acute conflict with the customs board and with the British army. The first town to organize the boycott, Boston had to face the hostility of the British customs officials and troops. They also had to face the effective organized opposition of John Mein, the Scottish publisher of the new newspaper, the *Boston Chronicle*. The *Chronicle* was not only the most typographically advanced paper in the country; it was also the only one to advance from weekly to semiweekly publication.

The *Chronicle* had recently begun as a newspaper above partisan stands in the political fray. But the customs board shrewdly saw an excellent opportunity for a propaganda coup and secretly set about subsidizing Mein's paper. Mein profited handsomely from the subsidy of being the stationer to the customs board, and after a year his stationery—or rather his vitriolic championing of the Tory cause—was so appreciated that the board made him its sole supplier. Mein also had clandestine help in writing his material from William Burch of the customs board, and from the richly hated customs officer Samuel Waterhouse, whom John Adams denounced as "the most notorious scribbler . . . and libeller, in the service of the conspirators against the liberties of America." Yet Mein jealously maintained in public that he was completely "unbiased" and not connected with the government.

The major confrontation between Mein and the liberals began in the spring of 1769. On May 8, the Boston Town Meeting praised the bulk of the merchants for abiding by the nonimportation agreement. In the next few weeks the Committee of Merchants of Boston, headed by John Hancock, helped to distribute thousands of handbills urging a boycott of the few merchants who had not complied. The list included three relatives—two sons and a nephew—of the leading Tory Thomas Hutchinson, lieutenant governor of the province. (Another nephew of Hutchinson, later added to the list, quickly recanted his position.)

To tighten enforcement, the Boston merchants in late July appointed a committee to inspect any vessels from Great Britain with goods condemned by the agreement, and to publish the names of violators. Another committee circulated a pledge among Boston inhabitants to boycott any merchant so publicized in the handbills as violators. Governor Hutchinson was outraged by the effectiveness of these measures. He was particularly outraged by such regular and vital functions being conducted by *purely private*, nongovernmental bodies: in short, by nonstate, revolutionary institutions springing up directly from among the people. So effective were the committees that in early August most of the merchants named in the original handbills hastened to recant, and to promise to abide by the agreement.

Pressing their advantage, the Boston Committee of Merchants in mid-August condemned the remaining recalcitrants as "Enemies to the Constitution of their Country" and urged their boycott. The list now included John Mein, who stepped up his attacks to a level of continuousness. One unfair and mis-

leading charge said that the signing merchants themselves, including the eminent Hancock, were secret violators of the nonimportation agreement. Anguished and lengthy denials by the victims of Mein's smear attacks did not at all deter him from compiling his charges into a large book, which was then widely distributed by eager customs officials throughout the colonies. Mein's shrewd aim was to split the libertarian movement, and to sow distrust of the Boston leaders in the other provinces.

John Mein's widely disseminated libel had a chilling effect in the colonies, and gravely weakened the zeal of the nonimportation movement even among the radical cadres in New York, Newport, and Philadelphia. Mein's campaign also emboldened the nonsigning merchants and heartened Hutchinson's consistent attempts to induce Parliament to outlaw boycott agreements.

The liberals reacted by stepping up their pressure campaign. The Boston Town Meeting, in early October, condemned the seven recalcitrant merchants, and resolved to enter their names on the town records so that "posterity may know who those persons were that preferred their little private advantages to the common interests of all the colonies. . . ." The merchants, backed perhaps by hints of destruction of the recalcitrants' property, then forced the sons and nephews of Hutchinson into line. Now there remained only three merchants, including Mein, whose names were advertised as "Those (who) AUDACIOUSLY continue to counteract the UNITED SENTIMENTS of the body of merchants throughout North America." Of these, of course, the most hated was John Mein. The Free American Fire Company expelled Mein from membership, and the seniors of Harvard College resolved never again to have dealings with him. Finally, harsher measures were taken and his property was defaced and his person threatened.

Mein, it should be noted, was the inevitable focus of a growing climate of violence in Boston. In the first place, Mein had never been forgiven for the brutal and sudden clubbing of John Gill, a co-editor of the *Boston Gazette*, a year and a half earlier, an attack that Sam Adams and James Otis denounced as a "Spaniard-like attempt" on a free press. A far more precipitating event was a brutal crime that stunned the whole town of Boston. The liberals' popular leader James Otis had denounced the customs board commissioners in the *Gazette* of September 4, 1769, for maligning the liberals as rebels and traitors. The next night, in brutal retaliation, John Robinson, one of the commissioners who had been so cordially hated a few years earlier in Rhode Island, set upon Otis with a gang of toughs and beat him unmercifully. From this assault Otis never recovered, having been rendered permanently insane. Boston's beloved leader had fallen martyr to Tory violence, to what the aggrieved Sam Adams and the *Gazette* charged was an "intended and nearly executed assassination." The people of Boston were ready to retaliate.

And so on October 28 a street crowd gathered against Mein and his co-editor John Fleeming. The frightened Mein shot into the crowd, wounding an

innocent bystander. Some angry citizens swore out a warrant against Mein "for having put innocent people in bodily fear." Mein fled for his life to his spiritual home on a British vessel and thence to England, where the grateful King George awarded Mein a handsome pension for his diligent services.

The hated Tory Mein had finally been routed, but his venomous work went on. His faithful ally Fleeming continued to publish the *Chronicle*, and to publish and distribute updated editions of his and Mein's compendium of charges against the nonimporting merchants of Boston. Finally, however, Mein's heavy debts and the dwindling of subscriptions and advertisements caught up with the enterprise. John Hancock was able triumphantly to take possession of the paper in behalf of Mein's creditors. By late June 1770, the voice of the most dangerous Tory organ in America, the *Boston Chronicle*, had finally been stilled.

## The Boston Massacre

The Boston nonimport movement, however, still faced grave problems. The original Boston agreement was scheduled to expire at the beginning of 1770. But in mid-October the merchants had joined their brethren in other colonies by *continuing the agreement until repeal of the Townshend Acts*. Many of the reluctant merchants grew restive at this turn of events and at the turn of the year eight began to bolt the agreement. A mass meeting of non-importing merchants began in mid-January to sit in continuing session, the better to put pressure on truants. The eight offenders were unanimously condemned by the more than a thousand persons present, as having forfeited all confidence of their fellow men. The whole crowd then quietly visited each delinquent in turn, but four still refused to yield. By January 23, the merchants voted to withhold from the stubborn four "not only all commercial dealings but every act and office of common civility."

Governor Hutchinson seized the occasion of the meeting to precipitate a test of strength with the merchants. He sent a message to the meeting denouncing it as illegal and its actions as terroristic. He ordered them to disperse and ban "all such unlawful assemblies for the future." Later Hutchinson was able to induce the Council to approve his actions by a slim majority. The merchants, however, continued undaunted as before and the justices of the peace refused to act against them.

It is important here to distinguish between two *types* of violence: violence committed by the people against their oppressors or the allies of their oppressors (for example, the Stamp Act riots against Hutchinson, the intimidation of John Mein), and the violence used by the oppressors against the people or their leaders (for instance, the assault on Otis, the Massacre of St. George's Fields). The difference is not simply a question of which side one may favor.

The former is the eruption of the people in indignation or rebellion against that minority that has arms of the state apparatus concentrated in its hands. *This* use of violence is a casting off of the unwanted rule-by-violence of a ruling clique. On the other hand, violence *against* the people by the (invariably better armed) ruling clique is a panicky attempt to stem the rising tide of indignation by the people, and to use the state's means of violence to yoke its unwanted rule even more burdensomely to the neck of society. Violence by a rebellious populace is an attempt to overthrow the camouflaged everyday violence of rule by the state over the people. Open violence by the state is an attempt to use extra measures to sit on the shaky lid. The former violence is therefore in essence *defensive*, whereas the latter is offensive or *aggressive* beyond the everyday norm.

Violence against *individuals* is also very different in the two cases. Violence against state officials is an attempt by a rebellious people to cast off their rule. Violence against individual leaders of the people (Otis, for instance) reveals the unending tendency of oppressors to think of a revolutionary movement as being not a genuine mass movement based on real grievances, but a frenzied mob whipped up by a few radical and obstreperous demagogues. Violence against customs officials was an *inherent part* of the revolt against tyranny. The assault on Otis not only was purely vindictive, but also reflected the tyrannical Tory error of shifting blame from mass grievances to supposedly diabolic leaders who were seducing a people otherwise happy and content with their rulers and their lot. This error, of course, is a highly convenient one for the rulers to make, for it allows them to state that the hearts of a seemingly rebellious people *really* belong to their masters.

Violence had been building up in Boston since the arrival of the British troops in late 1768. Boston had to contend with troops and customs commissioners as well as with reluctant merchants. The liberals had not succeeded in mounting resistance to the landing of the troops, but, once there, they waged an unremitting campaign for the liberation of Boston. Sam Adams and James Otis led a campaign of persistent and indefatigable agitation and struggle. Particularly significant was the widening of the campaign beyond the weekly readership of the *Boston Gazette*. The campaign was superbly planned. An inner group of radical leaders wrote a daily account of the pettiness and brutality committed by the troops upon the people of Boston, and each week a record was sent to New York City, to John Holt, libertarian editor of the *New York Journal*. Holt published these items as the *Journal of Occurrences* or *Journal of the Times*. He then distributed the *Journal* widely throughout the colonies; it was reprinted in numerous newspapers from Massachusetts to Georgia. Authors of the *Journal* included Sam Adams; William Cooper, Boston town clerk and brother of the libertarian clergyman the Reverend Samuel Cooper; and the radical councillor James Bowdoin, a wealthy merchant of Boston.

During the summer of 1769, two of the four British regiments were removed, and Thomas Hutchinson replaced Bernard as governor. But the lessened power of the troops did not endear them more. Furthermore, the rumor spread that England planned to alter the precious Massachusetts constitution. The Boston Town Meeting again insisted on the repeal of the Townshend and other duties, as well as the recall of the customs commissioners and troops. The popular radical leaders continued their pressure. Numerous festivals (such as on the anniversary of the great Stamp Act riots) were promoted by Adams, Otis, and the Sons of Liberty to rally the people for liberty against its enemies; at such gala events toasts were drunk to commemorate the hallowed numbers 45 and 92, and calls were issued for "*strong halbers, firm blocks, and sharp axes* to all such as deserve them."

Agitation against the troops was supplemented by sterner measures. The people of Boston made it clear to the troops that they were unwelcome there. Occasionally, isolated soldiers were beaten up on the streets by groups of Bostonians. Soldiers aggressing against citizens were promptly hauled into court.

As a result of the persistence and fortitude of the Bostonians, the British troops began to grow ineffectual in enforcing the trade acts. For fear of popular upheaval, the civil authorities grew wary in calling on troops for their support. Thus, in late October 1769, Governor Hutchinson wanted to use troops against a mob that had seized a hated customs informer, but was warned off by the advice of the Council, sheriff, and justices of the peace. Also in late October, a crowd attacked a British troop with sticks and stones and forced it to disperse. The agitated Colonel William Dalrymple, commander of the troops, blustered that this incident was "but a prelude" and that "never was the popular insolence at such a pitch."

Nonimportation, British troops, liberal agitation, mounting climate of violence, increasing edginess and ineffectuality of the soldiers—all culminated and came fatefully to a head in early 1770.

The culminating crisis unsurprisingly arose from the pressuring of the four mercantile holdouts against nonimportation: John Taylor, Theophilus Lillie, William Jackson, and Nathaniel Rogers, nephew of Governor Hutchinson. On February 22, some schoolboys led a crowd in placing an effigy of the four importers at the door of Theophilus Lillie. Seeing this, the "infamous informer" Ebenezer Richardson denounced the boys and tried to destroy the effigy. The appearance of the reviled customs informer was just what was needed to inflame the crowd, which pursued him to his house crying "Informer! Informer!" There the boys threw rocks at his house, whereupon the panicky Tory Richardson fired repeatedly into the crowd, killing eleven-year-old Christopher Snider and wounding the eleven-year-old son of Captain John Gore. The effect of this massacre of the children on Boston public opinion can readily be imagined. Richardson himself barely escaped being hanged on the spot. The four miscreant importers either left town or mounted an

armed guard. The funeral procession for little Christopher Snider, organized by the Sons of Liberty, was two miles long, perhaps the largest ever gathered in America. The huge funeral, significantly enough, was patterned after the Wilkite funeral in England for the innocent victim of the Massacre of St. George's Fields. To the Boston liberals the murder of young Snider recalled the tragic assault upon Otis, "the object of the fury of the cursed cabal." But Snider was "the first, whose LIFE has been a victim to the cruelty and rage of *oppressors!*" The *Boston Gazette* thundered that "the blood of *young Allen* [the victim at St. George's Fields] may be covered in *Britain*. But a thorough inquisition would be made in *America* for that of *young Snider*, which crieth for vengeance, like the blood of the righteous *Abel*."

The killing of young Snider would not be the final incident. In less than two weeks, on March 2 and 3, clashes occurred between Bostonians and the troops. British complaints were to draw retorts by the Massachusetts Council that the evident solution was to withdraw the troops. For their part, the populace believed the customs commissioners (the bosses of Richardson) to be implicated in the child murder, and were indignant at the soldiers being used to guard the hated commissioners at the customhouse.

The final crisis arrived on the night of March 5. The troops began the day by printing an insulting handbill. A small riot was then precipitated by a fist-fight between a soldier and a ropewalk worker; there had been bad blood between ropewalk laborers and the troops before. As night fell, a soldier struck, with his musket, a young apprentice, who had been denouncing British officers and rousing ugly memories of the child killing of two weeks before. A crowd now gathered before the barracks of the Fourteenth Regiment and pelted the sentries with snowballs.

Meanwhile, the meeting bell was rung and a crowd gathered at the customhouse on King Street, where the main body of troops was stationed. Someone recognized the soldier who had assaulted the young apprentice—a sentry at the customhouse—and the crowd attacked him with sticks of broken ice and snowballs. At this critical juncture, the customs officials at the customhouse called for the main guard headed by a Captain Thomas Preston to come to the rescue of the honor of the sentry, the army, and the commissioners who had brought the troops to Boston in the first place. Captain Preston and his guard of seven men stalked through the crowd, pricking the people with fixed bayonets. The crowd pressed in courageously on the bayonets, and when the gun of one soldier was knocked to the ground the soldiers emptied their muskets into the crowd. Joining in the shooting were customs officials, who fired upon the crowd from the privileged sanctuary of the upper floor of the customhouse. Five men fell dead or dying from that murderous volley, and six other Bostonians were wounded. The incident swiftly became known far and wide as the "Boston Massacre." The first to fall dead was Crispus Attucks, a tall Negro sailor, who had been one of the most zealous front-fighters in the Sons

of Liberty. The others killed were a sailor, a ropemaker, and two young apprentices. At the sound of firing the townsmen fell back, but soon advanced again to take away their dead and wounded. The panicky soldiers got ready to fire again, but Captain Preston struck their guns out of position. Soon the Boston crowd began to form in earnest, and the streets rang with the cry of "To arms! To arms! Turn out with your guns!" Nearly five hundred people assembled, swearing to kill every British soldier who had fired upon the people. Preston and his men thereupon retreated rapidly to the safety of the guardhouse.

This was it. The people of Boston and of Massachusetts had had enough. The Boston Massacre was the final straw that sent this most sensitive spot in the American colonies once again to the brink of revolution. The next day, an extraordinarily large town meeting was held in Boston. Challenged by the rousing speech of Sam Adams, the meeting unanimously demanded the immediate withdrawal of British troops from Boston. Adams and Hancock were selected to head a town committee to present the demands before Hutchinson and the Council. The governor's offer to withdraw one of the two regiments was scornfully spurned. Unless there was total evacuation, warned Adams, the troops would be destroyed. Fifteen thousand armed citizens, thundered Adams, were ready and eager to pour into Boston to eliminate the hated soldiery. When Adams made these threats, he noticed that Hutchinson trembled and grew pale, and he "enjoyed the sight." The Council unanimously advised surrender, and warned Hutchinson that all New England would soon rise in arms against the troops and that "the night which was coming on would be the most terrible that was ever seen in America." Before night fell, Hutchinson yielded, and promised speedy and complete evacuation of the troops. Soon the soldiery left, to the hooting of the crowd, for the safety of Castle William.

Sam Adams' threats were not idle ones. Forty thousand New Englanders were ready to march for the liberation of Boston. Ten thousand were set to march from Portsmouth, New Hampshire, alone, led by the Portsmouth Sons of Liberty, who proclaimed that the "bloody work in Boston calls loud for VENGEANCE." The Liberty Boys of Salem, Massachusetts, promised thousands of yeomen from Essex County to destroy a "licentious and bloodthirsty soldiery." Indeed, armed men had already begun to march on Boston, until stopped by Bostonians with the word that the crisis was over.

Expulsion of the troops accomplished the first objective of the popular forces. The next goal was to bring those responsible for the massacre to the bar of justice. As early as March 6, Captain Preston and his men were arrested by the civil authorities of Boston and indicted for murder. The Crown authorities dragged their feet, however. The royally appointed superior court judges delayed the trial for as long as they could—actually until October. The prosecution was deliberately weak, and permitted a jury of which no member came

from the town of Boston. Preston and most of the soldiers were acquitted; two of the soldiers were convicted of manslaughter, but their punishment was absurdly limited to being branded on the hand. The historian Oliver Dickerson has brought out that one of the reasons for acquittal of the soldiers was the angle of the bullets killing Attucks and others, indicating a firing from the upper story of the customhouse, that is, by customs officials.\*

The people were understandably resentful of the acquittal and the light sentences. Was a slight brand on the hand to be the full payment made for five murders? The judges were bitterly reviled, and one eager young radical, the son of a chancellor, posted a notice urging assassination of the judges. Sam Adams, as "Vindex" in the *Gazette*, attacked the verdict and spread the liberal account of the massacre far and wide. Adams made March 5 an annual observance, to keep fresh in the minds of the people the "bloody work" of the "butchers" of King Street.

The obstruction by the judges was used by Adams to show that it was futile for the people to look to the (royally appointed) courts for redress of their grievances. Even the juries were unreliable. Only an armed people's militia could be relied upon to deal successfully with the enemy, the British redcoats. With rumors flying of new British landings to punish Boston's uprising, the Sons of Liberty trained a militia and resolved to fight and resist any future landing. "Innocence is no longer safe," declared Adams in the *Boston Gazette*; "we are now obliged to appeal to God, and to our ARMS for defense."

Despite the dereliction of the judges in the massacre case, popular pressure did force them to proceed with the trial of the child killer Ebenezer Richardson. Richardson was tried and convicted of murder, but pardoned by the Crown and allowed by the authorities to flee the country. Though they did not manage to bring the soldiers to justice, the popular forces were able to drive the hated customs commissioners as well as the troops out of Boston. John Robinson, the assaulter of Otis, fled to England and secured the pardon of Richardson, as well as a handsome reward by the Crown for the patriotic work of the judges in seeing that the soldiers and customs officials escaped punishment.

The Boston liberals still faced the task of enforcing nonimportation, and increased pressure was now put on the few recalcitrant merchants. The mob finally forced Nathaniel Rogers to flee Boston. The Sons of Liberty sent a message to their brethren in New York to be ready for him, and the New York Sons prepared a tarring-and-feathering party for Rogers. Driven from New York too, and having learned a rough lesson, Rogers returned to Boston in May to sue fruitlessly for restoration to good standing. The Boston Town Meeting also redoubled its efforts to help the merchants agitate for compli-

\*Oliver M. Dickerson, "The Commissioners of Customs and the 'Boston Massacre,'" *New England Quarterly* (September 1954): 307-25.

ance with the agreement. The result of the merchants' nonimportation campaign was to lower imports from Britain into Boston from four hundred and thirty thousand pounds in 1768 to less than two hundred and twenty-five thousand pounds the following year. Overall in the American colonies, imports from Great Britain fell substantially from 2.15 million pounds in 1768 to 1.33 million pounds in 1769.

The revolutionary temper of the people of Boston in the months after the Boston Massacre may be gauged by the instructions given on May 15 by the Boston Town Meeting to its representatives in the General Court. The town attacked Britain's "deep laid and desperate plan of imperial despotism . . . for the extinction of all civil liberty in America." The town meeting also challenged any "pretended right or power of . . . any exterior authority" to limit any American constitutional or natural rights or liberties. To an earlier Boston challenge to the right of Parliament to regulate any colony by statute, it now added the far-reaching rejection of the power of the Crown to instruct the colonial governors. To these, Hutchinson reacted in horror, believing they were "designs . . . to bring about a revolution, and to attain to independency."

## Partial Repeal of the Townshend Duties

We have seen that British colonial policy took a sharp turn to the right when the cabinet was reshuffled in the autumn of 1767 upon the death of Charles Townshend. The arch-imperialist Bedford faction strengthened its posts in the cabinet and the Tories North and Hillsborough assumed critical positions in the ministry. Domination by the Tory right was confirmed and intensified with the departure of the erratic centrists Chatham (William Pitt) and Shelburne from the government in October 1768. The Bedfordites and other Tory factions now greatly consolidated their control under the nominal leadership of the weak Duke of Grafton. The Whigs staunchly attempted to delve into the causes of the American disorders, but Lord North succeeded in focusing Parliament's attention on the resistance in Britain and on the supposed need to assert imperial power over the colonies. Hillsborough, North, and Bedford pushed through resolutions denouncing Boston, pledging Parliament's support to all measures needed to impose supremacy on the Americans, and urging the transportation of James Otis and other American leaders to England to be tried for treason.

Lord Hillsborough, furthermore, had bolder plans for crushing the Americans. They especially included: imposing a royally appointed council on Massachusetts; and cancellation of the Massachusetts Charter if its Assembly should ever again question Parliament's absolute authority over the colonies. In addition, the Mutiny Act was to be strengthened to allow quartering of troops in private houses.

The Tories were now in control. The only gain to the liberal opposition was the accession of the Chathamites, who always tended to be liberal when Chatham was out of power. (In contrast, Grenville's opposition was character-

istically to attack the government for weakness and appeasement when dealing with the Americans.) In the cabinet only the liberals Camden and Conway opposed the harsh plans of Lord Hillsborough. So extreme were Hillsborough's proposals, however, that even King George balked at imposing them.

Political-economic developments in Great Britain during early 1769 soon swung the ministry to decide on the repeal of the Townshend duties. There was, in the first place, the threatening Wilkite agitation and the mammoth Wilkite petition movement—joined in by the radicals, Whigs, and Chathamites—which challenged the government and which was at least partly linked with the American cause. Secondly, the war crisis with Spain and France over the Falkland Islands, coupled with troubles in unhappy Ireland, made the government anxious to find some peaceful solution to the troubles in America. Beset by conflict at home and abroad, Britain was now anxious to secure her colonial flank. Third, British merchants and manufacturers were beginning to complain bitterly as a result of the success of the spreading nonimportation boycott in America. Total American imports from Britain had fallen from over 2.15 million pounds in 1768 to under 1.35 million pounds the following year.

All of this was a potent combination. The result was a decision by the Grafton ministry in May 1769 to repeal all the Townshend taxes except the duty on tea. Repeal would be moved in the forthcoming 1770 session of Parliament. The crucial and fateful vote in the cabinet was how far to go. The liberals, led by Grafton, Camden, and Conway, advocated total repeal of the Townshend duties. The Tories, led by North, Hillsborough, and the Bedfordites, insisted on keeping the tax on tea, and they prevailed in the cabinet by a one-vote majority.

North's arguments were shrewd enough. The other goods taxed were products of British manufacture, so that the duties lowered the sales of British manufacturers and merchants, and also dangerously stimulated the emergence of competing manufactures in the colonies. But tea was not of English manufacture and certainly could not be grown in America. Furthermore, tea furnished by far the major part of the revenue from the Townshend duties.

North's arguments were also cunningly strategic. Retention of the tea tax would continue to assert Parliament's sovereign right to impose such taxation; and the removal of all the duties except that on tea would split the American resistance movement, weaken its resolve, and wreck the boycott without yielding the principle or the major Townshend tax. The policy would thus deprive the radical American leadership of its mass base. The tactlessness of the proposed repeal was accentuated by Hillsborough's letter to the colonial assemblies, announcing the cabinet decision. Stress was laid on a provocative assertion of the power of Parliament rather than on a desire for conciliation with the colonies.

When Parliament opened again, in early January 1770, the debate over repeal became part and parcel of a determined liberal opposition mounted against the ministry. The opposition was also based on taking up the cause against Wilkes' expulsion from Parliament. The Whigs and the Chathamites launched the attack, and the ensuing polarization of opinion led to the resignation of the liberal-oriented cabinet members, beginning with Camden and ending with the Duke of Grafton, the prime minister himself. The determined opposition push failed and precipitated the backlash of a counterrevolution, with all the Tory forces in England banding together in a new unity born of fear for their entrenched positions against the American cause abroad, as well as against liberalism and radicalism at home. Lord North added the prime ministerial post to his own offices at the end of January, and this cemented Tory rule by coalescing the Tory factions. Unity was completed some months later by the death of Grenville, which permitted the old personal feud to end and the Grenvillite followers to join the cabinet. This outcome also served to discourage American faith in the English political outlook.\*

On March 5, coincidentally the day of the Boston Massacre, Lord North moved the repeal of all the Townshend taxes except the tea tax. He scorned the idea of repealing the tea duty as appeasement of the colonies. America must fall at the feet of Britain before any further conciliation would be made. Parliament agreed to the repeal the same day and final action was taken in mid-April.

The liberals, however, had not given up in their defense of Americans against Great Britain. The Whigs, led by Barlow Trecothick and especially Edmund Burke, moved to censure British colonial policy when news of the Boston Massacre arrived in Britain. Burke charged that American rebelliousness was brought about precisely because of British severity and intransigence. Burke's and Chatham's censure resolutions, however, failed by a wide margin and provoked threats of impeachment or treason trials against Savile, Rockingham, Richmond, and other Whig leaders.

During June and July 1770, the North ministry consolidated its hard line against the colonies. The center of the British navy in America was deliberately shifted from Halifax to Boston harbor. The fort at Castle William was permanently garrisoned with British instead of American troops (although no troops were moved back into Boston itself). The Mutiny Act, however, was allowed to lapse without being renewed.

\*See Charles R. Ritcheson, *British Politics and the American Revolution* (Norman: University of Oklahoma Press, 1954), pp. 133-38.