Formation of the Union

Albert Bushnell Hart

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FORMATION OF THE UNION
1750-1829

BY
ALBERT BUSHNELL HART, PH.D.

To the Memory

OF

THOMAS H. LAMSON,

A GENEROUS FRIEND OF LEARNING.

PREFACE TO THE FIRST EDITION.

The second volume of the EPOCHS OF AMERICAN HISTORY aims to follow out the principles laid down for "THE COLONIES,"--the study of causes rather than of events, the development of the American nation out of scattered and inharmonious colonies. The throwing off of English control, the growth out of narrow political conditions, the struggle against foreign domination, and the extension of popular government, are all parts of the uninterrupted process of the Formation of the Union.

So mighty a development can be treated only in its elements in this small volume. Much matter is thrown into graphic form in the maps; the Suggestions for Readers and Teachers, and the bibliographies at the heads of the chapters are meant to lead to more detailed accounts, both of events and of social and economic conditions. Although the book includes three serious wars, there is no military history in it. To the soldier, the movement of troops is a professional question of great significance; the layman needs to know, rather, what were the means, the character, and the spirit of the two combatants in each case, and why one succeeded where the other was defeated.

To my colleague, Professor Edward Channing, I am indebted for many suggestions on the first four chapters.

ALBERT BUSHNELL HART.
CAMBRIDGE, July 1, 1892.

PREFACE TO THE EIGHTH EDITION.

During the five years since this volume of the _Epochs of American History_ was first issued, the literature of the subject has made constant advances; and hence the Suggestions for Readers and Teachers and the bibliographies at the head of each chapter have been pruned, enlarged, and rewritten. The text has undergone fewer changes. The good-will of users of the book has pointed out some errors and inaccuracies, which have

been corrected from time to time; and new light has in some cases dawned upon the author. I shall always be grateful for corrections of fact or of conclusions.

ALBERT BUSHNELL HART
CAMBRIDGE, July 1, 1897.

SUGGESTIONS FOR READERS AND TEACHERS.

Each of the volumes in the series is intended to be complete in itself, and to furnish an account of the period it covers sufficient for the general reader or student. Those who wish to supplement this book by additional reading or study will find useful the bibliographies at the heads of the chapters.

For the use of teachers the following method is recommended. A chapter at a time may be given out to the class for their preliminary reading, or the paragraph numbers may be used in assigning lessons. From the references at the head of the chapter a report may then be prepared by one or more members of the class on each of the numbered sections included in that chapter; these reports may be filed, or may be read in class when the topic is reached in the more detailed exercises. Pupils take a singular interest in such work, and the details thus obtained will add a local color to the necessarily brief statements of the text.

STUDENTS' REFERENCE LIBRARY.

The following brief works will be found useful for reference and comparison, or for the preparation of topics. The set should cost not more than twelve dollars. Of these books, Lodge's _Washington_, Morse's _Jefferson_, and Schurz's _Clay_, read in succession, make up a brief narrative history of the whole period.

1. EDWARD CHANNING: _The United States of America, 1765-1865_. New York: Macmillan Co., 1896.--Excellent survey of conditions and causes.

2. ALEXANDER JOHNSTON: _History of American Politics_. 2d ed. New York: Holt, 1890.--Lucid account of political events in brief space.

3, 4. HENRY CABOT LODGE: _George Washington_ (_American Statesmen Series_). 2 vols. Boston: Houghton, Mifflin & Co., 1889.--Covers the period 1732-1799.

5. JOHN T. MORSE, JR.: _Thomas Jefferson_ (_American Statesmen Series_). Boston: Houghton, Mifflin & Co., 1883.--Covers the period 1750-1809.

6. CARL SCHURZ: _Henry Clay_, I. (_American Statesmen Series_). Boston: Houghton, Mifflin & Co., 1887.--Covers the period 1777-1833.

7. EDWARD STANWOOD: _A History of Presidential Elections_. 3d ed. revised. Boston: Houghton, Mifflin & Co., 1892.--An account of the

political events of each presidential campaign, with the platforms and a statement of the votes.

8. SIMON STERNE: _Constitutional History and Political Development of the United States_. 4th ed. revised. New York: Putnam's, 1888.--An excellent brief summary of the development of the Constitution.

9. HERMANN VON HOLST: _The Constitutional and Political History of the United States_. Vol. I. _1750-1833_. _State Sovereignty and Slavery_. Chicago: Callaghan & Co., 1877.--Not a consecutive history, but a philosophical analysis and discussion of the principal constitutional events.

SCHOOL REFERENCE LIBRARY.

The following works make up a convenient reference library of secondary works for study on the period of this volume. The books should cost not more than thirty-five dollars.

1-9. The brief works enumerated in the previous list.

10. EDWARD CHANNING and ALBERT BUSHNELL HART. _Guide to the Study of American History_. Boston: Ginn & Co., 1896.--A classified bibliography, with suggestions as to methods.

11. 12. GEORGE TICKNOR CURTIS: _Constitutional History of the United States from their Declaration of Independence to the Close of their Civil War_. 2 vols. New York: Harpers, 1889-1896.--Volume I. is a reprint of Curtis's earlier _History of the Constitution_, in two volumes, and covers the period 1774-1790. Chapters i.-vii. of Volume II. come down to about 1830.

13. RICHARD FROTHINGHAM: _The Rise of the Republic of the United States_. Boston: Little, Brown & Co., 1872.--A careful study of the progress of independence, from 1750 to 1783. Indispensable.

14. SYDNEY HOWARD GAY: _James Madison (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1884.

15. JUDSON S. LANDON: _The Constitutional History and Government of the United States_. A Series of Lectures. Boston: Houghton, Mifflin & Co., 1889.--The only recent brief constitutional history, except Sterne.

16. HENRY CABOT LODGE: _Alexander Hamilton (American Statesmen Series)_. Boston and New York: Houghton, Mifflin & Co., 1882.

17. JOHN T. MORSE, JR.: _John Adams (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1885.

18. JOHN T. MORSE, JR.: _John Adams (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1882.

19-21. JAMES SCHOULER: _History of the United States of America under the Constitution_. New ed. 5 vols. New York: Dodd, Mead & Co., 1895.--This is the only recent and complete history which systematically covers the whole period from 1783 to 1861. The style is very inelegant, but it is an excellent repository of facts. Vols. I.-III. (sold separately) cover

the period 1783-1830.

22. WILLIAM MILLIGAN SLOANE: _The French War and the Revolution (American History Series)_. New York: Scribners, 1893.--Covers the period 1700-1783.

23. FRANCIS A. WALKER: _The Making of the Nation (American History Series)_. New York: Scribners, 1894.--Covers the period 1783-1817.

LARGER REFERENCE LIBRARY.

For school use or for extended private reading, a larger collection of the standard works on the period 1750-1829 is necessary. The following books ought to cost about a hundred and fifty dollars. Many may be had at secondhand through dealers, or by advertising in the _Publishers' Weekly_.

Additional titles may be found in the bibliographies at the heads of the chapters, and through the formal bibliographies, such as Foster's _References to Presidential Administrations_, Winsor's _Narrative and Critical History_, Bowker and Iles's _Reader's Guide_, and Channing and Hart's _Guide_.

1-23. The books enumerated in the two lists above.

24-32. HENRY ADAMS: _History of the United States of America_. 9 vols. New York: Scribners, 1889-1891.--Period, 1801-1817. Divided into four sets, for the first and second administrations of Jefferson and of Madison; each set obtainable separately. The best history of the period.

33. HENRY ADAMS: _John Randolph (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1882.

34-43. GEORGE BANCROFT: _History of the United States, from the Discovery of the American Continent_. 10 vols. Boston: Little, Brown & Co., 1834-1874.--Vols. IV.-X. cover the period 1748-1782. Of the third edition, or "author's last revision," in six volumes (New York: Appleton, 1883-1885), Vols. III.-VI. cover the period 1763-1789. The work is rhetorical and lacks unity, but is valuable for facts.

44. WILLIAM CULLEN BRYANT and SYDNEY HOWARD GAY: _A Popular History of the United States_. 4 vols. New York: Scribners, 1876-1881.--Entirely the work of Mr. Gay. Well written and well illustrated.

45,46. JOHN FISKE: _The American Revolution_. 2 vols. Boston: Houghton, Mifflin & Co., 1891.

47. JOHN FISKE: _The Critical Period of American History_, 1783-1789. Boston: Houghton, Mifflin & Co., 1888.--Remarkable narrative style.

48. DANIEL C. GILMAN: _James Monroe (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1883.

49-52. RICHARD HILDRETH: _The History of the United States of America_. Two series, each 3 vols. New York: Harpers, 1849-1856 (also later editions from the same plates).--Vols. II.-VI. cover the period 1750-1821. Very full and accurate, but without foot-notes. Federalist standpoint.

53. JAMES K. HOSMER: _Samuel Adams (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1885.

54-57. JOHN BACH MCMASTER: _A History of the People of the United States, from the Revolution to the Civil War_. 4 vols. New York: Appleton, 1883-1895.--The four volumes published cover the period 1784-1820. The point of view in the first volume is that of social history; in later volumes there is more political discussion.

58. JOHN T. MORSE, JR.: _Benjamin Franklin (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1889.

59, 60. FRANCIS PARKMAN: _Montcalm and Wolfe_. 2 vols. Boston: Little, Brown & Co., 1885.

61. GEORGE PELLEW: _John Jay (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1890.

62, 63. TIMOTHY PITKIN: _A Political and Civil History of the United States of America, from the Year 1763 to the Close of the Administration of President Washington, in March, 1797_. 2 vols. New Haven: Howe and Durrie & Peck, 1828.--An old book, but well written, and suggestive as to economic and social conditions.

64. THEODORE ROOSEVELT:_ Gouverneur Morris (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1888.

65. JOHN AUSTIN STEVENS: _Albert Gallatin (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1884.

66-69. GEORGE TUCKER: _The History of the United States, from their Colonization to the End of the Twenty-Sixth Congress, in 1841_. 4 vols. Philadelphia: Lippincott, 1856-1857.--Practically begins in 1774. Written from a Southern standpoint.

70. MOSES COIT TYLER: _Patrick Henry (American Statesmen Series)_. Boston: Houghton, Mifflin & Co., 1887.

71-78. JUSTIN WINSOR: _Narrative and Critical History of America_. 8 vols. Boston & New York: Houghton, Mifflin & Co., 1886-1889.--Vol. VI. And part of Vol. VII. cover the period 1750-1789. The rest of Vol. VII. covers the period 1789-1830. Remarkable for its learning and its bibliography, but not a consecutive history.

SOURCES.

In the above collections are not included the sources which are necessary for proper school and college work. References will be found in the bibliographies preceding each chapter below, and through the other bibliographies there cited.

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THE AMERICANS IN 1750

1. REFERENCES

BIBLIOGRAPHIES.--R. G. Thwaites, _Colonies_, secs. 39, 74, 90; notes to Joseph Story, _Commentaries_, secs. 1-197; notes to H. C. Lodge, _Colonies, passim_; notes to Justin Winsor, _Narrative and Critical History_, V. chs. ii.-vi., Channing and Hart, _Guide_, secs. 130-133.

HISTORICAL MAPS.--R. G. Thwaites, _Colonies_, Maps Nos. 1 and 4 (_Epoch Maps_, Nos. 1 and 4); G. P. Fisher _Colonial Era_, Maps Nos. 1 and 3; Labberton, _Atlas_, lxiii., B. A. Hinsdale, _Old Northwest_ (republished from MacCoun's _Historical Geography_).

GENERAL ACCOUNTS.--Joseph Story _Commentaries_, secs. 146-190; W. E. H. Lecky, _England in the Eighteenth Century_, II. 1-21, III. 267-305; T. W. Higginson, _Larger History_, ch. ix.; Edward Channing, _The United States_, 1765-1865 ch. i.; H. E. Scudder, _Men and Manners in America_; Hannis Taylor, _English Constitution_, Introduction, I.; H. C. Lodge, _Colonies_ (chapters on social life); T. Pitkin, _United States_, I. 85-138, Justin Winsor, _Narrative and Critical History_, V. chs. ii.-vi.; R. Frothingham, _Rise of the Republic_, chs. i., iv.; Grahame, _United States_, III. 145-176.

SPECIAL HISTORIES.--W. B. Weeden, _Economic and Social History of New England_, II. chs. xiv., xv.; G. E. Howard, _Local Constitutional History_, I. chs. ii., iii., vii.-ix.; C. F. Adams, _History of Quincy_, chs. iii.-xiv.; M. C. Tyler, _History of American Literature_, II.; Edward Channing, _Town and County Government_, and _Navigation Acts_; F. B. Dexter, _Estimates of Population_; C. F. Bishop, _Elections in the Colonies_; Wm. Hill, _First Stages of the Tariff Policy_; W. E. DuBois, _Suppression of the Slave Trade_; J. R. Brackett, _Negro in Maryland_.

CONTEMPORARY ACCOUNTS.--Benjamin Franklin, _Autobiography_ (1706-1771); John Woolman _Journal_ (1720-1772); George Whitefield, _Journals_

(especially 1739); Kalm, _Travels_ (1748-1749); Robert Rogers, _Concise Account of North America_ (1765); A. Burnaby, _Travels_ (1759-1760); Edmund Burke, _European Settlements in America_; William Douglass, _Summary_; the various colonial archives and documents.--Reprints in II. W. Preston, _Documents Illustrative of American History_ (charters, etc.); _New Jersey Archives_, XI., XII., XVIII. (extracts from newspapers); _American History Leaflets_, No. 16; _Library of American Literature_, III.; _American History told by Contemporaries_, II.

2. COLONIAL GEOGRAPHY.

[Sidenote: British America.]

By the end of the eighteenth century the term "Americans" was commonly applied in England, and even the colonists themselves, to the English-speaking subjects of Great Britain inhabiting the continent of North America and the adjacent islands. The region thus occupied comprised the Bahamas, the Bermudas, Jamaica, and some smaller West Indian islands, Newfoundland, the outlying dependency of Belize, the territory of the great trading corporation known as the Hudson's Bay Company, and--more important than all the rest--the broad strip of territory running along the coast from the Gulf of St. Lawrence to the Altamaha River.

[Sidenote: Boundaries.]

It is in this continental strip, lying between the sea and the main chain of the Appalachian range of mountains, that the formation of the Union was accomplished. The external boundaries of this important group of colonies were undetermined; the region west of the mountains was drained by tributaries of the St. Lawrence and the Mississippi rivers, and both these rivers were held in their lower course by the French. Four successive colonial wars had not yet settled the important question of the territorial rights of the two powers, and a fifth war was impending.

So far as the individual colonies were concerned, their boundaries were established for them by English grants. The old charters of Massachusetts, Virginia, and the Carolinas had given title to strips of territory extending from the Atlantic westward to the Pacific. Those charters had lapsed, and the only colony in 1750 of which the jurisdiction exercised under the charter reached beyond the Appalachian mountains was Pennsylvania. The Connecticut grant had long since been ignored; the Pennsylvania limits included the strategic point where the Alleghany and Monongahela rivers unite to form the Ohio. Near this point began the final struggle between the English and the French colonies. The interior boundaries between colonies in 1750 were matters of frequent dispute and law-suits. Such questions were eventually brought to the decision of the English Privy Council, or remained to vex the new national government after the Revolution had begun.

[Sidenote: The frontiers.]

At this date, and indeed as late as the end of the Revolution, the continental colonies were all maritime. Each of them had sea-ports enjoying direct trade with Europe. The sea was the only national highway; the sea-front was easily defensible. Between contiguous colonies there was intercourse; but Nova Scotia, the last of the continental colonies to be established, was looked upon as a sort of outlyer, and its history has

little connection with the history of the thirteen colonies farther south. The western frontier was a source of apprehension and of danger. In northern Maine, on the frontiers of New York, on the west and southwest, lived tribes of Indians, often disaffected, and sometimes hostile. Behind them lay the French, hereditary enemies of the colonists. The natural tendency of the English was to push their frontier westward into the Indian and French belt.

3. THE PEOPLE AND THEIR DISTRIBUTION.

[Sidenote: Population.]

This westward movement was not occasioned by the pressure of population. All the colonies, except, perhaps, Rhode Island, New Jersey, and Delaware, had abundance of vacant and tillable land. The population in 1750 was about 1,370,000. It ranged from less than 5,000 in Georgia to 240,000 in Virginia. Several strains of non-English white races were included in these numbers. There were Dutch in New York, a few Swedes in Pennsylvania and New Jersey, Germans in New York and Pennsylvania, Scotch Irish and Scotch Highlanders in the mountains of Pennsylvania and South Carolina, a few Huguenots, especially in the South, and a few Irish and Jews. All the rest of the whites were English or the descendants of English. A slow stream of immigration poured into the colonies, chiefly from England. Convicts were no longer deported to be sold as private servants; but redemptioners--persons whose services were mortgaged for their passage--were still abundant. Many years later, Washington writes to an agent inquiring about "buying a ship-load of Germans," that is, of redemptioners. There was another important race-element,--the negroes, perhaps 220,000 in number; in South Carolina they far out-numbered the whites. A brisk trade was carried on in their importation, and probably ten thousand a year were brought into the country. This stream poured almost entirely into the Southern colonies. North of Maryland the number of blacks was not significant in proportion to the total population. A few Indians were scattered among the white settlements, but they were an alien community, and had no share in the development of the country.

[Sidenote: Settlements.]
[Sidenote: American character.]

The population of 1,370,000 people occupied a space which in 1890 furnished homes for more than 25,000,000. The settlements as yet rested upon, or radiated from, the sea-coast and the watercourses; eight-tenths of the American people lived within easy reach of streams navigable to the sea. Settlements had crept up the Mohawk and Susquehanna valleys, but they were still in the midst of the wilderness. Within each colony the people had a feeling of common interest and brotherhood. Distant, outlying, and rebellious counties were infrequent. The Americans of 1750 were in character very like the frontiersmen of to-day, they were accustomed to hard work, but equally accustomed to abundance of food and to a rude comfort; they were tenacious of their rights, as became offshoots of the Anglo-Saxon race. In dealing with their Indian neighbors and their slaves they were masterful and relentless. In their relations with each other they were accustomed to observe the limitations of the law. In deference to the representatives of authority, in respect for precedent and for the observances of unwritten custom, they went beyond their descendants on the frontier. Circumstances in America have greatly changed in a century and a half: the type of American character has changed less. The quieter,

longer-settled communities of that day are still fairly represented by such islands of undisturbed American life as Cape Cod and Cape Charles. The industrious and thriving built good houses, raised good crops, sent their surplus abroad and bought English goods with it, went to church, and discussed politics. In education, in refinement, in literature and art, most of the colonists had made about the same advance as the present farmers of Utah. The rude, restless energy of modern America was not yet awakened.

4. INHERITED INSTITUTIONS.

[Sidenote: Sources of American government.]

In comparison with other men of their time, the Americans were distinguished by the possession of new political and social ideas, which were destined to be the foundation of the American commonwealth. One of the strongest and most persistent elements in national development has been that inheritance of political traditions and usages which the new settlers brought with them. Among the more rigid sects of New England the example of the Hebrew theocracy, as set forth in the Scriptures, had great influence on government; they were even more powerfully affected by the ideas of the Christian commonwealth held by the Protestant theologians, and particularly by John Calvin. The residence of the Plymouth settlers in the Netherlands, and the later conquest of the Dutch colonies, had brought the Americans into contact with the singularly wise and free institutions of the Dutch. To some degree the colonial conception of government had been affected by the English Commonwealth of 1649, and the English Revolution of 1688. The chief source of the political institutions of the colonies was everywhere the institutions with which they were familiar at the time of the emigration from England. It is not accurate to assert that American government is the offspring of English government. It is nearer the truth to say that in the middle of the seventeenth century the Anglo-Saxon race divided into two branches, each of which developed in its own way the institutions which it received from the parent stock. From the foundation of the colonies to 1789 the development of English government had little influence on colonial government. So long as the colonies were dependent they were subject to English regulation and English legal decisions, but their institutions developed in a very different direction.

[Sidenote: Political ideas.]

Certain fundamental political ideas were common to the older and the younger branches of the Anglo-Saxon race, and have remained common to this day. The first was the idea of the supremacy of law, the conception that a statute was binding on the subject, on the members of the legislative body, and even on the sovereign. The people on both sides of the water were accustomed to an orderly government, in which laws were made and administered with regularity and dignity. The next force was the conception of an unwritten law, of the binding power of custom. This idea, although by no means peculiar to the English race, had been developed into an elaborate "common law,"--a system of legal principles accepted as binding on subject and on prince, even without a positive statute. Out of these two underlying principles of law had gradually developed a third principle, destined to be of incalculable force in modern governments,--the conception of a superior law, higher even than the law-making body. In England there was no written constitution, but there was a succession of grants or charters, in which certain rights were assured to the

individual. The long struggle with the Stuart dynasty in the seventeenth century was an assertion of these rights as against the Crown. In the colonies during the same time those rights were asserted against all comers,--against the colonial governors, against the sovereign, and against Parliament. The original colonies were almost all founded on charters, specific grants which gave them territory and directed in what manner they should carry on government therein. These charters were held by the colonists to be irrevocable except for cause shown to the satisfaction of a court of law; and it was a recognized right of the individual to plead that a colonial law was void because contrary to the charter. Most of the grants had lapsed or had been forcibly, and even illegally, annulled; but the principle still remained that a law was superior to the will of the ruler, and that the constitution was superior to the law. Thus the ground was prepared for a complicated federal government, with a national constitution recognized as the supreme law, and superior both to national enactments and to State constitutions or statutes.

[Sidenote: Principles of freedom.]

The growth of constitutional government, as we now understand it, was promoted by the establishment of two different sets of machinery for making laws and carrying on government. The older and the younger branches of the race were alike accustomed to administer local affairs in local assemblies, and more general affairs in a general assembly. The two systems in both countries worked side by side without friction; hence Americans and Englishmen were alike unused to the interference of officials in local matters, and accustomed through their representatives to take an educating share in larger affairs. The principle was firmly rooted on both sides of the water that taxes were not a matter of right, but were a gift of the people, voted directly or through their representatives. On both sides of the water it was a principle also that a subject was entitled to his freedom unless convicted of or charged with a crime, and that he should have a speedy, public, and fair trial to establish his guilt or innocence. Everywhere among the English-speaking race criminal justice was rude, and punishments were barbarous; but the tendency was to do away with special privileges and legal exemptions. Before the courts and before the tax-gatherers all Englishmen stood practically on the same basis.

5. COLONIAL DEVELOPMENT OF ENGLISH INSTITUTIONS.

Beginning at the time of colonization with substantially the same principles of liberty and government, the two regions developed under circumstances so different that, at the end of a century and a half, they were as different from each other as from their prototype.

[Sidenote: Separation of departments.]
[Sidenote: Aristocracy.]

The Stuart sovereigns of England steadily attempted to strengthen their power, and the resistance to that effort caused an immense growth of Parliamentary influence. The colonies had little occasion to feel or to resent direct royal prerogative. To them the Crown was represented by governors, with whom they could quarrel without being guilty of treason, and from whom in general they feared very little, but whom they could not depose. Governors shifted rapidly, and colonial assemblies eventually took

over much of the executive business from the governors, or gave it to officers whom they elected. But while, in the eighteenth century, the system of a responsible ministry was growing up in England under the Hanoverian kings, the colonies were accustomed to a sharp division between the legislative and the executive departments. Situated as they were at a great distance from the mother-country, the assemblies were obliged to pass sweeping laws. The easiest way of checking them was to limit the power of the assemblies by strong clauses in the charters or in the governor's instructions; and to the very last the governors, and above the governors the king, retained the power of royal veto, which in England was never exercised after 1708. Thus the colonies were accustomed to see their laws quietly and legally reversed, while Parliament was growing into the belief that its will ought to prevail against the king or the judges. In a wild frontier country the people were obliged to depend upon their neighbors for defence or companionship. More emphasis was thus thrown upon the local governments than in England. The titles of rank, which continued to have great social and political force in England, were almost unknown in America. The patroons in New York were in 1750 little more than great land-owners; the fanciful system of landgraves, palsgraves, and caciques in Carolina never had any substance. No permanent colonial nobility was ever created, and but few titles were conferred on Americans. An American aristocracy did grow up, founded partly on the ownership of land, and partly on wealth acquired by trade. It existed side by side with a very open and accessible democracy of farmers.

[Sidenote: Powers of the colonies.]

The gentlemen of the colonies were leaders; but if they accepted too many of the governor's favors or voted for too many of that officer's measures, they found themselves left out of the assemblies by their independent constituents. The power over territory, the right to grant wild lands, was also peculiar to the New World, and led to a special set of difficulties. In New England the legislatures insisted on sharing in this power. In Pennsylvania there was an unceasing quarrel over the proprietors' claim to quit-rents. Farther south the governors made vast grants unquestioned by the assemblies. In any event, colonization and the grant of lands were provincial matters. Each colony became accustomed to planting new settlements and to claiming new boundaries. The English common law was accepted in all the colonies, but it was modified everywhere by statutes, according to the need of each colony. Thus the tendency in colonial development was toward broad legislation on all subjects; but at the same time the limitations laid down by charters, by the governor's instructions, or by the home government, increased and were observed. Although the assemblies freely quarrelled with individual governors and sheared them of as much power as they could, the people recognized that the executive was in many respects beyond their reach. The division of the powers of government into departments was one of the most notable things in colonial government, and it made easier the formation of the later state and national governments.

6. LOCAL GOVERNMENT IN THE COLONIES.

[Sidenote: English local government.]

In each colony in 1750 were to be found two sets of governing organizations,--the local and the general. The local unit appears at different times and in different colonies under many names; there were

towns, townships, manors, hundreds, ridings, liberties, parishes, plantations, shires, and counties. Leaving out of account minor variations, there were three types of local government,--town government, county government, and a combination of the two. Each of these forms was founded on a system with which the colonists were familiar at the time of settlement, but each was modified to meet the changed conditions of America. The English county in 1600 was a military and judicial subdivision of the kingdom; but for some local purposes county taxes were levied by the quarter sessions, a board of local government. The officers were the lord lieutenant, who was the military commander, and the justices of the peace, who were at the same time petty judges and members of the administrative board. The English "town" had long since disappeared except as a name, but its functions were in 1600 still carried out by two political bodies which much resembled it: the first was the parish,--an organization of persons responsible as tax-payers for the maintenance of the church building. In some places an assembly of these tax-payers met periodically, chose officers, and voted money for the church edifice, the poor, roads, and like local purposes. In other places a "select vestry," or corporation of persons filling its own vacancies, exercised the powers of parish government. In such cases the members were usually of the more important persons in the parish. The other wide-spread local organization was the manor; in origin this was a great estate, the tenants of which formed an assembly and passed votes for their common purposes.

[Sidenote: Towns.]

From these different forms of familiar local government the colonists chose those best suited to their own conditions. New Englanders were settled in compact little communities; they liked to live near the church, and where they could unite for protection from enemies. They preferred the open parish assembly, to which they gave the name of "town meeting." Since some of the towns were organized before the colonial legislatures began to pass comprehensive laws, the towns continued, by permission of the colonial governments, to exercise extended powers. The proceedings of a Boston town meeting in 1731 are thus reported:--

"After Prayer by the Revt. mr. John Webb,

"Habijah Savage Esqr. was chose to be Moderator for this meeting

"Proposed to Consider About Reparing mr. Nathaniell Williams His Kitchen &c.--

"In Answer to the Earnest Desire of the Honourable House of Representatives--

"Voted an Entire Satisfaction in the Town in the late Conduct of their Representatives in Endeavoring to preserve their Valuable Priviledges, And Pray their further Endeavors therein--

"Voted. That the Afair of Repairing of the Wharff leading to the North Battrey, be left with the Selectmen to do therein as they Judge best--"

[Sidenote: Counties.]

The county was also organized in New England, but took on chiefly judicial and military functions, and speedily abandoned local administration. In the South the people settled in separate plantations, usually strung out along the rivers. Popular assemblies were inconvenient, and for local

purposes the people adopted the English select vestry system in what they called parishes. The county government was emphasized, and they adopted the English system of justices of the peace, who were appointed by the governor and endowed with large powers of county legislation. Hence in the South the local government fell into the hands of the principal men of each parish without election, while in New England it was in the hands of the voters.

[Sidenote: Mixed System.]

In some of the middle colonies the towns and counties were both active and had a relation with each other which was the forerunner of the present system of local government in the Western States. In New York each town chose a member of the county board of supervisors; in Pennsylvania the county officers as well as the town officers became elective. Whatever the variations, the effect of local government throughout the colonies was the same. The people carried on or neglected their town and county business under a system defined by colonial laws; but no colonial officer was charged with the supervision of local affairs. In all the changes of a century and a half since 1750 these principles of decentralization have been maintained.

7. COLONIAL GOVERNMENT.

[Sidenote: General form.]
[Sidenote: Suffrage.]

Earlier than local governments in their development, and always superior to them in powers, were the colonial governments. In 1750 there was a technical distinction between the charter governments of Connecticut, Massachusetts, and Rhode Island, the proprietary governments of Pennsylvania, Delaware, and Maryland, and the provincial governments of the eight other continental colonies. In the first group there were charters which were substantially written constitutions binding on both king and colonists, and unalterable except by mutual consent. In the second group some subject, acting under a royal charter, appointed the governors, granted the lands, and stood between the colonists and the Crown. In the third group, precedent and the governor's instructions were the only constitution. In essence, all the colonies of all three groups had the same form of government. In each there was an elective legislature; in each the suffrage was very limited; everywhere the ownership of land in freehold was a requisite, just as it was in England, for the county suffrage. In many cases there was an additional provision that the voter must have a specified large quantity of land or must pay specified taxes. In some colonies there was a religious requirement. The land qualification worked very differently from the same system in England. Any man of vigor and industry might acquire land; and thus, without altering the letter of the law to which they were accustomed, the colonial suffrage was practically enlarged, and the foundations of democracy were laid. Nevertheless, the number of voters at that time was not more than a fifth to an eighth as large in proportion to the population as at present. In Connecticut in 1775 among 200,000 people there were but 4,325 voters. In 1890, the fourth Connecticut district, having about the same population, cast a vote of 36,500.

[Sidenote: Legislature.]

The participation of the people in their own government was the more significant, because the colonies actually had what England only seemed to have,--three departments of government. The legislative branch was composed in almost all cases of two houses; the lower house was elective, and by its control over money bills it frequently forced the passage of measures unacceptable to the co-ordinate house. This latter, except in a few cases, was a small body appointed by the governor, and had the functions of the executive council as well as of an upper house. The governor was a third part of the legislature in so far as he chose to exercise his veto power. The only other limitation on the legislative power of the assemblies was the general proviso that no act "was to be contrary to the law of England, but agreeable thereto."

[Sidenote: Executive.]

The governor was the head of the executive department,--sometimes a native of the colony, as Hutchinson of Massachusetts, and Clinton of New York. But he was often sent from over seas, as Cornbury of New York, and Dunmore of Virginia. In Connecticut and Rhode Island the legislatures chose the governor; but they fell in with the prevailing practice by frequently re-electing men for a succession of years. The governor's chief power was that of appointment, although the assemblies strove to deprive him of it by electing treasurers and other executive officers. He had also the prestige of his little court, and was able to form at least a small party of adherents. As a representative of the home government he was the object of suspicion and defiance. As the receiver and dispenser of annoying fees, he was likely to be unpopular; and wherever it could do so, the assembly made him feel his dependence upon it for his salary.

[Sidenote: Judiciary.]

Colonial courts were nearly out of the reach of the assemblies, except that their salaries might be reduced or withheld. The judges were appointed by the governor, held during good behavior, and were reasonably independent both of royal interference and of popular clamor. The governor's council was commonly the highest court in the colony; hence the question of the constitutionality of an act was seldom raised: since the council could defeat the bill by voting against it, it was seldom necessary to quash it by judicial process. Legal fees were high, and the courts were the most unpopular part of the governments.

8. ENGLISH CONTROL OF THE COLONIES.

[Sidenote: English statutes.]
[Sidenote: The Crown.]
[Sidenote: Parliament.]

In Connecticut and Rhode Island, where the governor was not appointed by the Crown, the colonies closely approached the condition of republics; but even in these cases they acknowledged several powers in England to which they were all subject. First came English law. It was a generally accepted principle that all English statutes in effect at the time of the first colonization held good for the colonies so far as applicable; and the principles of the common law were everywhere accepted. Second came the Crown. When the colonies were founded, the feudal system was practically dead in England; but the conception that the Crown held the original title to all the lands was applied in the colonies, so that all titles went back

to Indian or royal grants. Parliament made no protest when the king divided up and gave away the New World. Parliament acquiesced when by charter he created trading companies and bestowed upon them powers of government. Down to 1765 Parliament seldom legislated for individual colonies, and it was generally held that the colonies were not included in English statutes unless specially mentioned. The Crown created the colonies, gave them governors, permitted the local assemblies to grow up, and directed the course of the colonial executive by royal instructions.

[Sidenote: Means of control.]

The agent of the sovereign in these matters was from 1696 to 1760 the so-called Lords of the Board of Trade and Plantations. This commission, appointed by The Crown, corresponded with the governors, made recommendations, and examined colonial laws. Through them were exercised the two branches of English control. Governors were directed to carry out a specified policy or to veto specified classes of laws. If they were disobedient or weak, the law might still be voided by a royal rescript. The attorneys-general of the Crown were constantly called on to examine laws with a view to their veto, and their replies have been collected in Chalmers's "Opinions,"--a storehouse of material concerning the relations of the colonies with the home government. The process of disallowance was slow. Laws were therefore often passed in the colonies for successive brief periods, thus avoiding the effects of a veto; or "Resolves" were passed which had the force, though not the name, of statutes. In times of crisis the Crown showed energy in trying to draw out the military strength of the colonies; but if the assemblies hung back there was no means of forcing them to be active. During the Stuart period the troubles at home prevented strict attention to colonial matters. Under the Hanoverian kings the colonies were little disturbed by any active interference. In one respect only did the home government press hard upon the colonies. A succession of Navigation Acts, beginning about 1650, limited the English colonies to direct trade with the home country, in English or colonial vessels. Even between neighboring English colonies trade was hampered by restrictions or absolute prohibitions. Against the legal right of Parliament thus to control the trade of the colonies the Americans did not protest. Protest was unnecessary, since in 1750 the Acts were systematically disregarded: foreign vessels carried freights to and from American ports; American goods were shipped direct to foreign countries (sec. 23; Colonies, secs. 44, 128).

9. SOCIAL AND ECONOMIC CONDITIONS.

[Sidenote: Social life.]
[Sidenote: Intellectual life.]
[Sidenote: Economic conditions.]

Thus, partly from circumstances, and partly by their own design, the colonies in 1750 were developing a political life of their own. Changes of dynasties and of sovereigns or of ministers in England little affected them. In like manner their social customs were slowly changing. The abundance of land favored the growth of a yeoman class accustomed to take part in the government. Savage neighbors made necessary a rough military discipline, and the community was armed. The distance from England and an independent spirit threw great responsibility on the assemblies. The general evenness of social conditions, except that some men held more land than others, helped on a democratic spirit. The conditions of the colonies

were those of free and independent communities. On the other hand, colonial life was at best retired and narrow; roads were poor, inns indifferent, and travelling was unusual. The people had the boisterous tastes and dangerous amusements of frontiersmen. Outside of New England there were almost no schools, and in New England schools were very poor. In 1750 Harvard, Yale, William and Mary, and the College of New Jersey (now Princeton) were the only colleges, and the education which they gave was narrower than that now furnished by a good high school. Newspapers were few and dull. Except in theology, there was no special instruction for professional men. In most colonies lawyers were lightly esteemed, and physicians little known. City life did not exist; Philadelphia, Boston, New York, and Charleston were but provincial towns. The colonies had only three industries,--agriculture, the fisheries, and shipping. Tobacco had for more than a century been the staple export. Next in importance was the New England fishery, employing six hundred vessels, and the commerce with the West Indies, which arose out of that industry. Other staple exports were whale products, bread-stuffs, naval stores, masts, and pig-iron. The total value of exports in 1750 is estimated at 814,000 pounds. To carry these products a fleet of at least two hundred vessels was employed; they were built in the colonies north of Virginia, and most of them in New England. The vessels themselves were often sold abroad. With the proceeds of the exports the colonists bought the manufactured articles which they prized. Under the Navigation Acts these ought all to have come from England; but French silks, Holland gin, and Martinique sugar somehow found their way into the colonies. The colonists and the home government tried to establish new industries by granting bounties. Thus the indigo culture in South Carolina was begun, and many unsuccessful attempts were made to start silk manufactures and wine raising. The method of stimulating manufactures by laying protective duties was not unknown; but England could not permit the colonies to discriminate against home merchants, and had no desire to see them establish by protective duties competitors for English manufactures. Nevertheless, Pennsylvania did in a few cases lay low protective duties. Except for the sea-faring pursuits of the Northern colonies, the whole continental group was in the same dependent condition. The colonists raised their own food and made their own clothes; the surplus of their crops was sent abroad and converted into manufactured goods.

10. COLONIAL SLAVERY.

[Sidenote: Slave trade.]
[Sidenote: The sections.]

In appearance the labor system of all the colonies was the same. Besides paid white laborers, there was everywhere a class of white servants bound without wages for a term of years, and a more miserable class of negro slaves. From Nova Scotia to Georgia, in all the West Indies, in the neighboring French and Spanish colonies, negro slavery was in 1750 lawful, and appeared to flourish. Many attempts had been made by colonial legislatures to cut off or to tax the importation of slaves. Sometimes they feared the growing number of negroes, sometimes they desired more revenue. The legislators do not appear to have been moved by moral objections to slavery. Nevertheless, there was a striking difference between the sections with regard to slavery. In all the colonies north of Maryland the winters were so cold as to interfere with farming, and some different winter work had to be provided. For such variations of labor, slaves are not well fitted; hence there were but two regions in the North where slaves were profitably employed as field-hands,--on Narragansett Bay

and on the Hudson: elsewhere the negroes were house or body servants, and slaves were rather an evidence of the master's consequence than of their value in agriculture. In the South, where land could be worked during a larger portion of the year, and where the conditions of life were easier, slavery was profitable, and the large plantations could not be kept up without fresh importations. Hence, if any force could be brought to bear against negro slavery it would easily affect the North, and would be resisted by the South; in the middle colonies the struggle might be long; but even there slavery was not of sufficient value to make it permanent.

[Sidenote: Anti-slavery agitation.]

Such a force was found in a moral agitation already under way in 1750. The Puritans and the Quakers both upheld principles which, if carried to their legitimate consequences, would do away with slavery. The share which all men had in Christ's saving grace was to render them brethren hereafter; and who should dare to subject one to another in this earthly life? The voice of Roger Williams was raised in 1637 to ask whether, after "a due time of trayning to labour and restraint, they ought not to be set free?" "How cursed a crime is it," exclaimed old Sewall in 1700, "to equal men to beasts! These Ethiopians, black as they are, are sons and daughters of the first Adam, brethren and sisters of the last Adam, and the offspring of God." On "2d mo. 18, 1688," the Germantown Friends presented the first petition against slavery recorded in American history. By 1750 professional anti-slavery agitators like John Woolman and Benezet were at work in Pennsylvania and New Jersey, and many wealthy Quakers had set free their slaves. The wedge which was eventually to divide the North from the South was already driven in 1750. In his great speech on the Writs of Assistance in 1761, James Otis so spoke that John Adams said: "Not a Quaker in Philadelphia, or Mr. Jefferson of Virginia, ever asserted the rights of negroes in stronger terms."

CHAPTER II.

EXPULSION OF THE FRENCH (1750-1763).

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12. RIVAL CLAIMS IN NORTH AMERICA (1690-1754).

[Sidenote: International rivalry.]

"The firing of a gun in the woods of North America brought on a conflict which drenched Europe in blood." In this rhetorical statement is suggested the result of a great change in American conditions after 1750. For the first time in the history of the colonies the settlements of England and France were brought so near together as to provoke collisions in time of peace. The attack on the French by the Virginia troops under Washington in 1754 was an evidence that France and England were ready to join in a struggle for the possession of the interior of the continent, even though it led to a general European war.

[Sidenote: Legal arguments.]

The peace of Aix-la-Chapelle of 1748 (Colonies, sec. 112) had not laid down a definite line between the French and the English possessions west of the mountains, According to the principles of international law observed at the time of colonization, each power was entitled to the territory drained by the rivers falling into that part of the sea-coast which it controlled. The French, therefore, asserted a _prima facie_ title to the valleys of the St. Lawrence and of the Mississippi (sec. 2); if there was a natural boundary between the two powers, it was the watershed north and west of the sources of the St. John, Penobscot, Connecticut, Hudson, Susquehanna, Potomac, and James. On neither side had permanent settlements been established far beyond this irregular ridge. This natural boundary had, however, been disregarded in the early English grants. Did not the charter of 1609 give to Virginia the territory "up into the land, from sea to sea, west and northwest"? (Colonies, sec. 29.) Did not the Massachusetts, Connecticut, and Carolina grants run westward to the "South Sea"? And although these grants had lapsed, the power of the king to make them was undiminished; the Pennsylvania charter, the latest of all, gave title far west of the mountains.

[Sidenote: Expediency.]

To these paper claims were added arguments of convenience: the Lake Champlain region, the southern tributaries of Lake Ontario, and the

headwaters of the Ohio, were more easily reached from the Atlantic coast than by working up the rapids of the St Lawrence and its tributaries, or against two thousand miles of swift current on the Mississippi. To the Anglo-Saxon hunger for more land was added the fear of Indian attacks; the savages were alarmed by the advance of settlements, and no principles of international law could prevent frontiersmen from exploring the region claimed by France, or from occupying favorite spots. There was no opportunity for compromise between the two parties; agreement was impossible, a conflict was a mere matter of time, and the elaborate arguments which each side set forth as a basis for its claim were intended only to give the prestige of a legal title. In the struggle the English colonies had one significant moral advantage: they desired the land that they might occupy it; the French wished only to hold it vacant for some future and remote settlement, or to control the fur-trade.

13. COLLISIONS ON THE FRONTIER (1749-1754).

[Sidenote: The Iroquois]

For many years the final conflict had been postponed by the existence of a barrier state,--the Iroquois, or Six Nations of Indians. This fierce, brave, and statesmanlike race held a strip of the watershed from Lake Champlain to the Allegheny River. For many years they had been subject to English influence, exercised chiefly by William Johnson; but the undisturbed possession of their lands was the price of their friendship. They held back the current of immigration through the Mohawk. They aimed to be the intermediary for the fur-trade from the northwest. They remained throughout the conflict for the most part neutral, but forced the contestants to carry on their wars east or south of them.

[Sidenote: English claims.]

Southwest of the territory of the Iroquois lay the region of the upper Ohio and its tributaries, particularly the valleys of the Tennessee, the Muskingum, the Allegheny, the Monongahela and its mountain-descending tributary, the Youghioghany, of which the upper waters interlace with branches of the Potomac. In this rich country, heavily wooded and abounding in game, there were only a few Indians and no white inhabitants. In 1749 France began to send expeditions through the Ohio valley to raise the French flag and to bury leaden plates bearing the royal arms. A part of the disputed region was claimed by Pennsylvania as within her charter limits; Virginia claimed it, apparently on the convenient principle that any unoccupied land adjacent to her territory was hers; the English government claimed it as a vacant royal preserve; and in 1749 an Ohio company was formed with the purpose of erecting the disputed region into a "back colony." A royal grant of land was secured, and a young Virginian, named George Washington, was sent out as a surveyor. He took the opportunity to locate some land for himself, and frankly says that "it is not reasonable to suppose that those, who had the first choice,... were inattentive to ... the advantages of situation."

[Sidenote: Attempts to occupy.]

Foreseeing the struggle, the French began to construct a chain of forts connecting the St. Lawrence settlements with the Mississippi. The chief strategic point was at the junction of the Allegheny and Monongahela rivers,--the present site of Pittsburg. The Ohio company were first on the

ground, and in 1753 took steps to occupy this spot. They were backed up by orders issued by the British government to the governors of Pennsylvania and Maryland "to repel force by force whenever the French are found within the undoubted limits of their province." Thus the French and English settlements were brought dangerously near together, and it was resolved by Virginia to send George Washington with a solemn warning to the French. In October, 1753, he set forth, and returned in December to announce that the French were determined to hold the country. They drove the few English out of their new post, fortified the spot, and called it Fort Duquesne. The crisis seemed to Benjamin Franklin so momentous that at the end of his printed account of the capture of the post he added a rude woodcut of a rattlesnake cut into thirteen pieces, with the motto, addressed to the colonies, "Join or die."

[Sidenote: No compromise.]

This was no ordinary intercolonial difficulty, to be patched up by agreements between the frontier commanders. Both French and English officers acted under orders from their courts. England and France were rivals, not only on the continent, but in the West Indies, in India, and in Europe. There was no disposition either to prevent or to heal the breach on the Pennsylvania frontier.

[Sidenote: Washington attacks.]

When Washington set out with a small force in April, 1754, it was with the deliberate intention of driving the French out of the region. As he advanced towards Fort Duquesne they came out to meet him. He was the quicker, and surprised the little expedition at Great Meadows, fired upon the French, and killed ten of them. A few days later Washington and his command were captured at Fort Necessity, and obliged to leave the country. As Half King, an Iroquois chief, said, "The French behaved like cowards, and the English like fools." The colonial war had begun. Troops were at once despatched to America by both belligerents. In 1755 hostilities also broke out between the two powers on the sea; but it was not until May 18, 1756, that England formally declared war on France, and the Seven Years'

War began in Europe.

14. THE STRENGTH OF THE PARTIES (1754).

[Sidenote: England and France.]

The first organized campaign in America was in 1755. Its effect was to show that the combatants were not far from equally matched. France claimed the position of the first European power: her army was large, her soldiers well trained; her comparative weakness at sea was not yet evident. The English navy had been reduced to 17,000 men; the whole English army counted 18,000 men, of whom there were in America but 1,000. Yet England was superior when it came to building ships, equipping troops, and furnishing money subsidies to keep her allies in the field. The advantage of prestige in Europe was thrown away when France allied herself with her hereditary enemy, Austria, and thus involved herself in wars which kept her from sending adequate reinforcements to America.

[Sidenote: The colonies.]

Until 1758 the war in the western world was fought on both sides chiefly by the colonists. Here the British Americans had a numerical advantage over the French. Against the 80,000 white Canadians and Louisianians they could oppose more than 1,100,000 whites. Had the English colonists, like the Canadians, been organized into one province, they might have been successful within a year; but the freedom and local independence of the fourteen colonies made them, in a military sense, weaker than their neighbors. In Canada there was neither local government nor public opinion; governors and intendants sent out from Paris ruled the people under regulations framed in Paris for the benefit of the court centred in Paris. While the colonies with difficulty raised volunteer troops, the French commander could make a _levee en masse_ of the whole adult male population. During the four campaigns from 1755 to 1758 the Canadians lost little territory, and they were finally conquered only by a powerful expedition of British regular troops and ships.

[Sidenote: Indians.]
[Sidenote: Theatre of war.]

One reason for this unexpected resistance was the aid of the Indians. The Latin races have always had more influence over savage dependents than the Anglo-Saxon. The French knew how to use the Indians as auxiliaries by letting them make war on their own account and in their own barbarous fashion. Nevertheless the Indians did not fight for the mere sake of obliging the French, and when the tide turned, in 1759, they were mostly detached. One other great advantage was enjoyed by the French: their territory was difficult of access. The exposed coast was protected by the strong fortresses of Louisbourg and Quebec, On the east, in the centre, and on the Ohio they were in occupation and stood on the defensive. Acting on the interior of their line, they could mass troops at any threatened point. In the end their line was rolled up like a scroll from both ends. Louisbourg and Fort Duquesne were both taken in 1758, but Montreal was able to hold out until 1760.

15. CONGRESS OF ALBANY (1754).

[Sidenote: Indian treaty.]
[Sidenote: Union proposed]

Foreseeing a general colonial war, the Lords of Trade, in September, 1753, directed the colonial governors to procure the sending of commissioners to Albany. The first purpose was to make a treaty with the Iroquois; but a suggestion was made in America that the commissioners also draw up a plan of colonial union. In June, 1754, a body of delegates assembled from the New England colonies, New York, Pennsylvania, and Maryland. The Indian treaty was duly framed, notwithstanding the ominous suggestion of one of the savages: "It is but one step from Canada hither, and the French may easily come and turn you out of your doors." On June 24 the Congress of Albany adopted unanimously the resolution that "a union of all the colonies is at present absolutely necessary for their security and defence;" and that "it would be necessary that the union be established by Act of Parliament."

[Sidenote: Franklin's scheme.]

Since the extinction of the New England Confederation in 1684 (Colonies, sec. 69) there had been no approach to any colonial union. The suggestions

of William III., of the Lords of Trade, of ministers, of colonial governors, and of private individuals had remained without effect To Benjamin Franklin was committed the task of drawing up a scheme which should at the same time satisfy the colonial assemblies and the mother government. The advantages of such an union were obvious. Combined action meant speedy victory; separate defence meant that much of the border would be exposed to invasion. Franklin hoped to take advantage of the pressure of the war to induce the colonies to accept a permanent union. His draft, therefore, provided for a "President General," who should have toward the union the powers usually enjoyed by a governor towards his colony. This was not unlike a project in view when Andros was sent over in 1685. The startling innovation of the scheme was a "Grand Council," to be chosen by the colonial assemblies. The duty of this general government was to regulate Indian affairs, make frontier settlements, and protect and defend the colonists. The plan grew upon Franklin as he considered it, and he added a scheme for general taxes, the funds to be raised by requisitions for specific sums on the separate colonial treasurers.

[Sidenote: The union fails.]

The interest of the plan is that it resembles the later Articles of Confederation. At first it seemed likely to succeed; none of the twenty-five members of the congress seem to have opposed it, but not one colony accepted it. The charter and proprietary colonies feared that they might lose the guaranty afforded by their existing grants. The new union was to be established by Act of Parliament. Of government by that body they knew little, and they had no disposition to increase the power of the Crown. The town of Boston voted "to oppose any plan of union whereby they shall apprehend the Liberties and Priviledges of the People are endangered." The British government also feared a permanent union, lest it teach the colonies their own strength in organization. The movement for the union had but the faint approval of the Lords of Trade, and received no consideration in England. As Franklin said: "The assemblies all thought there was too much _prerogative_, and in England it was thought to have too much of the _democratic_."

16. MILITARY OPERATIONS (1755-1757).

[Sidenote: Character of the war]

Washington's defeat in 1754 was followed by active military preparations on both sides. So far as the number of campaigns and casualties goes, it was a war of little significance; but it was marked by romantic incidents and heroic deeds. Much of the fighting took place in the forest. The Indians showed their characteristic daring and their characteristic unwillingness to stand a long-continued, steady attack. Their scalping-knives and stakes added a fearful horror to many of the battles. On both sides the military policy seemed simple. The English must attack, the French must do their best to defend. The French were vulnerable in Nova Scotia and on the Ohio; their centre also was pierced by two highways leading from the Hudson,--one through Lake Champlain, the other through the Mohawk and Lake Ontario. These four regions must be the theatre of war, and in 1755 the British government, seconded by the colonists, planned an attack on the four points simultaneously.

[Sidenote: Braddock's expedition.]

The most difficult of the four tasks was the reduction of Fort Duquesne, and it was committed to a small force of British regulars, with colonial contingents, under the command of General Braddock. The character of this representative of British military authority is summed up in a phrase of his secretary's: "We have a general most judiciously chosen for being disqualified for the service he is employed on in almost every respect." Before him lay three plain duties,--to co-operate with the provincial authorities in protecting the frontier, to impress upon the Indians the superior strength of the English, and to occupy the disputed territory. He did none of them. Among the provincials was George Washington, whose experience in this very region ought to have influenced the general; but the latter obstinately refused to learn that the rules of war must be modified in a rough and wooded country, among frontiersmen and savage enemies. July 9, 1755, the expedition reached a point eight miles from Fort Duquesne. As Braddock's little army marched forward, with careful protection against surprise, it was greeted with a volley from 250 French Canadians and 230 Indian allies. Though the Canadians fled, the Indians stood their ground from behind trees and logs. The Virginians and a few regulars took to trees also, but were beaten back by the oaths and blows of Braddock. "We would fight," they said, "if we could see anybody to fight with." After three hours' stand against an invisible foe, Braddock's men broke and abandoned the field. Out of 1,466 officers and men, but 482 came off safe. The remnant of the expedition fled, abandoned the country, left the frontier unprotected; and over the road which they had constructed came a stream of marauding Indians.

[Sidenote: Removal of the Acadians.]

In the centre the double campaign was equally unfruitful. On the borders of Nova Scotia the French forts were captured. The victors felt unable to hold the province, although it had been theirs since 1713, except by removing the French Acadian inhabitants. It was a strong measure, carried out with severity. Six thousand persons were distributed among the colonies farther south, where their religion and their language both caused them to be suspected and often kept them from a livelihood. The justification was that the Acadians were under French influence, and were likely to be added to the fighting force of the enemy; the judgment of Parkman is that the "government of France began with making the Acadians its tools, and ended with making them its victims."

[Sidenote: Campaigns of 1756, 1757.]

The campaigns of 1756 and 1757 were like that of 1755. After the retreat of Braddock's expedition the frontier of Virginia and Pennsylvania was left to the ravages of the Indians. The two colonies were slow to defend themselves, and had no help from England. Systematic warfare was still carried on in the centre and in the East. The French, under the guidance of their new commander, Montcalm, lost no ground, and gained Oswego and Fort William Henry. The English cause in Europe was declining. In the Far East alone had great successes been gained; and the battle of Plassey in 1757 gave to England the paramount influence in India which she has ever since exercised.

17. THE CONQUEST OF CANADA (1756-1780).

[Sidenote: William Pitt.]
[Sidenote: Campaign of 1758.]

Few characters in history are indispensable. From William of Orange to William Pitt the younger there was but one man without whom English history must have taken a different turn, and that was William Pitt the elder. In 1757 he came forward as a representative of the English people, and forced his way into leadership by the sheer weight of his character. He secured a subsidy for Prussia, which was desperately making head against France, Austria, and Russia in coalition. He made a comprehensive plan for a combined attack on the French posts in America. He organized fleets and armies. He was able to break through the power of court influence, and to appoint efficient commanders. The first point of attack was Louisbourg, the North Atlantic naval station of the French. Since its capture by the New Englanders in 1745 (Colonies, sec. 127) it had been strongly fortified. An English force under Amherst and Wolfe reduced it after a brief siege in 1758. The attack through Lake George failed in consequence of the inefficiency of the English commander, Abercrombie, but the English penetrated across Lake Ontario and took Niagara. Nov. 25, 1758, Fort Duquesne was occupied by the English, and the spot was named Pittsburg, after the great minister. For the first time the tide of war set inward towards the St. Lawrence.

[Sidenote: Capture of Quebec.]

It is not evident that at the beginning the English expected more than to get control of Lake Champlain and of the country south of Lake Erie. The successes of 1758 led the way to the invasion, and eventually to the occupation, of the whole country. France sent thousands of troops into the European wars, but left the defence of its American empire to Montcalm with 5,000 regulars, 10,000 Canadian militia, and a few thousand savage allies. England, meanwhile, was able to send ships with 9,000 men to take Quebec. No exploit is more remarkable than the capture of that famous fortress. It was the key to the whole province; it was deemed impregnable; it was defended by superior numbers. The English, after vain attempts, were on the point of abandoning the siege. Wolfe's resolution and daring found a way over the cliffs; and on the morning of Sept. 13, 1759, the little English army was drawn up on the Plains of Abraham outside the landward fortifications of the city; the fate of Canada was decided in a battle in the open; the dying Wolfe defeated the dying Montcalm, and the town surrendered. The fall of the rest of Canada was simply a matter of time. One desperate attempt to retake Quebec was made in 1760, but the force of Canada had spent itself. The 2,400 defenders of Montreal surrendered to 17,000 assailants. The colony of New France ceased to exist. For three years English military officers formed the only government of Canada.

18. GEOGRAPHICAL RESULTS OF THE WAR (1763).

[Sidenote: European war.]
[Sidenote: George III.]
[Sidenote: The war continued.]

The conflict in Europe continued for three years after the colonial war was at an end. During 1758, 1759, and 1760 Frederick the Second of Prussia had held his own, with English aid; he was now to lose his ally. The sudden death of George the Second had brought to the throne the first energetic sovereign since William the Third. An early public utterance of George the Third indicated that a new dynasty had arisen: "Born and bred

in England, I glory in the name of Briton." With no brilliancy of speech and no attractiveness of person or manner, George the Third had a positive and forcible character. He resented the control of the great Whig families, to whom his grandfather and great-grandfather had owed their thrones. He represented a principle of authority and resistance to the unwritten power of Parliament and to the control of the cabinet. He had virtues not inherited and not common in his time; he was a good husband, a kind-hearted man, punctilious, upright, and truthful. He had, therefore, a certain popularity, notwithstanding his narrow-mindedness, obstinacy, and arrogance. Resolved to take a personal part in the government of his country, he began by building up a party of the "king's friends," which later supported him in the great struggle with the colonies. In a word, George the Third attempted to restore the Crown to the position which it had occupied under the last Stuart. Between such a king and the imperious Pitt there could not long be harmony. The king desired peace with all powers, and especially with France; Pitt insisted on continuing aggressive war. In 1761 Pitt was forced to resign, and Frederick the Second was abandoned. A change of sovereigns in Russia caused a change of policy, and Prussia was saved. Still peace was not made, and in 1762 Spain joined with France in the war on England; but the naval supremacy of England was indisputable. The French West India Islands and Havana, the fortress of the Spanish province of Cuba, were taken; and France was forced to make peace.

[Sidenote: Question of Annexations.]
[Sidenote: Canada ceded.]

In the negotiations the most important question was the disposition of the English conquests in America. Besides the Ohio country, the ostensible object of the war, Great Britain held both Canada and the French West Indies. The time seemed ripe to relieve the colonies from the dangers arising from the French settlements on the north, and the Spanish colonies in Florida and Cuba. The ministry wavered between keeping Guadeloupe and keeping Canada; but if they were unable to deal with 8,000 Acadians in 1755, what should they do with 80,000 Canadians in 1763? Was the inhospitable valley of the Lower St. Lawrence worth the occupation. And if the French were excluded from North America, could the loyalty of the colonies be guaranteed? France, however, humbled by the war, was forced to yield territory somewhere; Canada had long been a burden on the French treasury; since concession must be made, it seemed better to sacrifice the northern colonies rather than the profitable West Indies. Choiseul, the French Minister of Foreign Affairs, therefore ceded to England all the French possessions east of the Mississippi except the tract between the Amitic and the Mississippi, in which lay the town of New Orleans. The island of Cape Breton went with Canada, of which it was an outlyer. The wound to the prestige of France he passed over with a jaunty apothegm: "I ceded it," he said, "on purpose to destroy the English nation. They were fond of American dominion, and I resolved they should have enough of it."

[Sidenote: Louisiana ceded.]

Meanwhile, the Spaniards clamored for some compensation for their own losses. The English yielded up Havana, and kept the two provinces of Florida lying along the Gulf; and France transferred to Spain all the province of Louisiana not already given to England, that is, the western half of the Mississippi valley, and the Isle d'Orleans. The population was stretched along the river front of the Mississippi and its lower branches; it was devotedly French, and it was furious at the transfer. Of all her American possessions France retained only her West Indies and the

insignificant islands of St. Pierre and Miquelon in the Gulf of St Lawrence. Thenceforward there were but two North American powers. Spain had all the continent from the Isthmus of Panama to the Mississippi, and northward to the upper watershed of the Missouri, and she controlled both sides of the Mississippi at its mouth. England had the eastern half of the continent from the Gulf to the Arctic Ocean, with an indefinite stretch west of Hudson's Bay.

[Sidenote: Interior boundaries.]

The interior boundaries of the English colonies were now defined by proclamations and instructions from Great Britain. A colony of Canada was

established which included all the French settlements near the St. Lawrence. Cape Breton was joined to Nova Scotia. On the south Georgia was extended to the St. Mary's River. Florida was divided into two provinces by the Appalachicola. The interior country from Lake Ontario to the Gulf was added to no colony, and a special instruction forbade the governors to exercise jurisdiction west of the mountains. In Georgia alone did the governor's command cover the region west to the Mississippi. The evident expectation was that the interior would be formed into separate colonies.

19. THE COLONIES DURING THE WAR (1754-1763).

[Sidenote: Internal quarrels.]

Seven years of war from 1754 to 1760, and two years more of military excitement, had brought about significant changes in the older colonies. It was a period of great expenditure of men and money. Thirty thousand lives had been lost. The more vigorous and more exposed colonies had laid heavy taxes and incurred burdensome debts. The constant pressure of the governors for money had aggravated the old quarrels with the assemblies. The important towns were all on tide water, and not one was taken or even threatened; hence the sufferings of the frontiersmen were not always appreciated by the colonial governments. In Pennsylvania the Indians were permitted to harry the frontier while the governor and the assembly were in a deadlock over the question of taxes on proprietary lands. Braddock's expedition in 1755 was intended to assert the claim of the English to territory in the limits of Pennsylvania; but it had no aid from the province thus concerned. Twice the peaceful Franklin stepped forward as the organizer of military resistance.

[Sidenote: English control.]

In the early part of the war Massachusetts took the lead, inasmuch as her governor, Shirley, was made commander-in-chief. Military and civil control over the colonies was, during the war, divided in an unaccustomed fashion. The English commanders, and even Governor Dinwiddie, showed their opinion of the Provincials by rating all their commissions lower than those of the lowest rank of regular British officers. The consequence was that George Washington for a time resigned from the service. In 1757 there was a serious dissension between Loudoun and the Massachusetts assembly, because he insisted on quartering his troops in Boston. At first the colonies were called on to furnish contingents at their own expense: Pitt's more liberal policy was to ask the colonies to furnish troops, who were paid from the British military chest. New England, as a populous region near the seat of hostilities, made great efforts; in the last three campaigns Massachusetts

kept up every year five to seven thousand troops, and expended altogether 500,000 pounds. The other colonies, particularly Connecticut, made similar sacrifices, and the little colony of New York came out with a debt of $1,000,000.

[Sidenote: Colonial trade.]

As often happens during a war, some parts of the country prospered, notwithstanding the constant loss. New England fisheries and trade were little affected except when, in 1758, Loudoun shut up the ports by a brief embargo. As soon as Fort Duquesne was captured, settlers began to pass across the mountains into western Pennsylvania, and what is now Kentucky and eastern Tennessee. The Virginia troops received ample bounty lands; Washington was shrewd enough to buy up claims, and located about seventy thousand acres. The period of 1760 to 1763 was favorable to the colonies. Their trade with the West Indies was large. For their food products they got sugar and molasses; from the molasses they made rum; with the rum they bought slaves in Africa, and brought them to the West Indies and to the continent. The New Englanders fitted out and provisioned the British fleets. They supplied the British armies in America. They did not hesitate to trade with the enemy's colonies, or with the enemy direct, if the opportunity offered. The conclusion of peace checked this brisk trade and commercial activity. When the war was ended the agreeable irregularities stood more clearly revealed.

20. POLITICAL EFFECTS OF THE WAR (1763).

[Sidenote: Free from border wars.]
[Sidenote: Pontiac's conspiracy.]

In government as well as in trade a new era came to the colonies in 1763. Nine years had brought about many changes in the social and political conditions of the people. In the first place, they no longer had any civilized enemies. The Canadians, to be sure, were still mistrusted as papists; but though the colonists had no love for them, they had no fear of them; and twelve years later, at the outbreak of the Revolution, they tried to establish political brotherhood with them. The colonies were now free to expand westward, or would have been free, except for the resistance of the Western Indians gathered about the Upper Lakes. In 1763 Pontiac organized them in the most formidable Indian movement of American history. He had courage; he had statesmanship; he had large numbers. By this time the British had learned the border warfare, and Pontiac was with difficulty beaten. From that time until well into the Revolution Indian warfare meant only the resistance of scattered tribes to the steady westward advance of the English.

[Sidenote: Military experience.]

For the first time in their history the colonists had participated in large military operations. Abercrombie and Amherst each had commanded from twelve to fifteen thousand men. The colonists were expert in fortification. Many Provincials had seen fighting in line and in the woods. Israel Putnam had been captured, and the fires lighted to burn him; and Washington had learned in the hard school of frontier warfare both to fight, and to hold fast without fighting.

[Sidenote: United action.]

The war had further served to sharpen the political sense of the people. Year after year the assemblies had engaged in matters of serious moment They laid heavy taxes and collected them; they discussed foreign policy and their own defence; they protested against acts of the British government which affected them. Although no union had been formed at Albany in 1754, the colonies had frequently acted together and fought together. New York had been in great part a community of Dutch people under English rule during the war; now, as most exposed to French attack, it became the central colony. Military men and civilians from the different colonies learned to know each other at Fort William Henry and at Crown Point.

[Sidenote: Scheme of British control.]
[Sidenote: Theory of co-operation.]
[Sidenote: Proposed taxes.]
[Sidenote: Navigation Acts.]

This unwonted sense of power and of common interest was increased by the pressure of the British government. Just before the war broke out, plans had been set on foot in England to curb the colonies; legislation was to be more carefully revised; governors were to be instructed to hold out against their assemblies; the Navigation Acts were to be enforced. The scheme was dropped when the war began, because the aid of the colonies in troops and supplies was essential. Then arose two rival theories as to the nature of the war. The British took the ground that they were sending troops to protect the colonies from French invasion, and that all their expeditions were benefactions to the colonies. The colonists felt that they were co-operating with England in breaking down a national enemy, and that all their grants were bounties. The natural corollary of the first theory was that the colonies ought at least to support the troops thus generously sent them; and various suggestions looking to this end were made by royal governors. Thus Shirley in 1756 devised a general system of taxation, including import duties, an excise, and a poll-tax; delinquents to be brought to terms by "warrants of distress and imprisonment of persons." When, in 1762, Governor Bernard of Massachusetts promised 400 pounds in bounties on the faith of the colony, James Otis protested that he had "involved their most darling privilege, the right of originating taxes." On the other hand, the colonies systematically broke the Navigation Acts, of which they had never denied the legality. To organize the control over the colonies more carefully, to provide a colonial revenue for general colonial purposes, to execute the Navigation Acts, and thus to confine the colonial trade to the mother-country,--these were the elements of the English colonial policy from 1763 to 1775. Before these ends were accomplished the colonies had revolted.

CHAPTER III.

CAUSES OF THE REVOLUTION (1763-1765.)

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22. THE CONDITION OF THE BRITISH EMPIRE (1763).

[Sidenote: England's greatness.]

In 1763 the English were the most powerful nation in the world. The British islands, with a population of but 8,000,000 were the administrative centre of a vast colonial empire. Besides their American possessions, the English had a foothold in Africa through the possession of the former Dutch Cape Colony, and had laid the foundation of the present Indian Empire; small islands scattered through many seas furnished naval stations and points of defence. The situation of England bears a striking resemblance to the situation of Athens at the close of the Persian wars: a trading nation, a naval power, a governing race, a successful military people; the English completed the parallel by tightening the reins upon their colonies till they revolted. Of the other European powers, Portugal and Spain still preserved colonial empires in the West; but Spain was decaying. Great Britain had not only gained

territory and prestige from the war, she had risen rich and prosperous, and a national debt of one hundred and forty million pounds was borne without serious difficulty.

[Sidenote: English government.]

It was a time of vigorous intellectual life, the period of Goldsmith, Edmund Burke, and Dr. Johnson. It was also a period of political development. The conditions seemed favorable for internal peace and for easy relations with the colonies. The long Jacobite movement had come to an end; George the Third was accepted by all classes and all parties as the legitimate sovereign. The system of government worked out in the preceding fifty years seemed well established; the ministers still governed through their control of Parliament; but the great Tory families, which for two generations had been excluded from the administration, were now coming forward. A new element in the government of England was the determination of George the Third to be an active political force. From his accession, in 1760, he had striven to build up a faction of personal adherents, popularly known as the "king's friends;" and he had broken down every combination of ministers which showed itself opposed to him. Although the nation was not yet conscious of it, the forces were at work which eventually were to create a party advocating the king's prerogative, and another party representing the right of the English people to govern themselves.

[Sidenote: Effect on the colonies.]

This change in political conditions could not but affect the English colonial policy. The king's imperious tone was reflected in all departments, and was especially positive when the colonies began to resist. It cannot be said that English parties divided on the question of governing the colonies, but when the struggle was once begun, the king's bitterest opponents fiercely criticised his policy, and made the cause of the colonists their own. The great struggle with the colonies thus became a part of the struggle between popular and autocratic principles of government in England.

23. NEW SCHEMES OF COLONIAL CONTROL (1763).

[Sidenote: Grenville's colonial policy.]

Allusion has already been made (sec. 19) to vague schemes of colonial control suggested during the war. More serious measures were impending. When George Grenville became the head of the cabinet, in April, 1763, he took up and elaborated three distinctly new lines of policy, which grew to be the direct causes of the American Revolution. The first was the rigid execution of the Acts of Trade; the second was the taxation of the colonies for the partial support of British garrisons; the third was the permanent establishment of British troops in America. What was the purpose of each of these groups of measures?

[Sidenote: Navigation acts.]
[Sidenote: Effect of the system.]

The object of the first series was simply to secure obedience to the Navigation Acts (Colonies, Section 44, 128),--laws long on the statute book, and admitted by most Americans to be legal. The Acts were intended

simply to secure to the mother-country the trade of the colonies; they were in accordance with the practice of other nations; they were far milder than the similar systems of France and Spain, because they gave to colonial vessels and to colonial merchants the same privileges as those enjoyed by English ship-owners and traders. The Acts dated from 1645, but had repeatedly been re-enacted and enlarged, and from time to time more efficient provision was made for their enforcement. In the first place, the Navigation Acts required that all the colonial trade should be carried on in ships built and owned in England or the colonies. In the second place, most of the colonial products were included in a list of "enumerated goods," which could be sent abroad, even in English or colonial vessels, only to English ports. The intention was to give to English home merchants a middleman's profit in the exchange of American for foreign goods. Among the enumerated goods were tobacco, sugar, indigo, copper, and furs, most of them produced by the tropical and sub-tropical colonies. Lumber, provisions, and fish were usually not enumerated; and naval stores, such as tar, hemp, and masts, even received an English bounty. In 1733 was passed the "Sugar Act," by which prohibitory duties were laid on sugar and molasses imported from foreign colonies to the English plantations, Many of these provisions little affected the continental colonies, and in some respects were favorable to them. Thus the restriction of trade to English and colonial vessels stimulated ship-building and the shipping interest in the colonies. From 1772 to 1775 more than two thousand vessels were built in America.

[Sidenote: Illegal trade.]
[Sidenote: Difficulty of enforcement.]

The chief difficulty with the system arose out of the obstinate determination of the colonies, especially in New England, to trade with their French and Spanish neighbors in the West Indies, with or without permission: they were able in those markets to sell qualities of fish and lumber for which there was no demand in England. Well might it have been said, as a governor of Virginia had said a century earlier: "Mighty and destructive have been the obstructions to our trade and navigation by that severe Act of Parliament,... for all are most obedient to the laws, while New England men break through them and trade to any place where their interests lead them to." The colonists were obliged to register their ships; it was a common practice to register them at much below their actual tonnage, or to omit the ceremony altogether. Colonial officials could not be depended upon to detect or to punish infractions of the Acts, and for that purpose the English Government had placed customs officers in the principal ports. Small duties were laid on imports, not to furnish revenue, but rather to furnish fees for those officers. The amount thus collected was not more than two thousand pounds a year; and the necessary salaries, aggregating between seven and eight thousand pounds, were paid by the British government.

24. WRITS OF ASSISTANCE (1761-1764).

[Sidenote: Smuggling.]
[Sidenote: Argument of James Otis.]

Under the English acts violation of the Navigation Laws was smuggling, and was punishable in the usual courts. Two practical difficulties had always been found in prosecutions, and they were much increased as soon as a more vigorous execution was entered upon. It was hard to secure evidence, for

smuggled goods, once landed, rapidly disappeared; and the lower colonial judges were both to deal severely with their brethren, engaged in a business which public sentiment did not condemn. In 1761 an attempt was made in Massachusetts to avoid both these difficulties through the use of the familiar Writs of Assistance. These were legal processes by which authority was given to custom-house officers to make search for smuggled goods; since they were general in their terms and authorized the search of any premises by day, they might have been made the means of vexatious visits and interference. In February, 1761, an application for such a writ was brought before the Superior Court of Massachusetts, which was not subject to popular influence. James Otis, advocate-general of the colony, resigned his office rather than plead the cause of the government, and became the leading counsel in opposition. The arguments in favor of the writ were that without some such process the laws could not be executed, and that similar writs were authorized by English statutes. Otis in his plea insisted that no English statute applied to the colonies unless they were specially mentioned, and that hence English precedents had no application. But he went far beyond the legal principles involved. He declared in plain terms that the Navigation Acts were "a taxation law made by a foreign legislature without our consent." He asserted that the Acts of Trade were "irreconcilable with the colonial charters, and hence were void." He declared that there were "rights derived only from nature and the Author of nature;" that they were "inherent, inalienable, and indefeasible by any laws, pacts, contracts, governments, or stipulations which man could devise." The court, after inquiring into the practice in England, issued the writs to the custom-house officers, although it does not appear that they made use of them.

[Sidenote: Effect of the discussion.]

The practical effect of Otis's speech has been much exaggerated. John Adams, who heard and took notes on the argument, declared, years later, that "American independence was then born," and that "Mr. Otis's oration against Writs of Assistance breathed into this nation the breath of life." The community was not conscious at the time that a new and startling doctrine had been put forth, or that loyalty to England was involved. The arguments drawn from the rights of man and the supremacy of the charters were of a kind familiar to the colonists. The real novelty was the bold application of these principles, the denial of the legality of a system more than a century old.

[Sidenote: Enforcement.]

So far was the home government from accepting these doctrines that in 1763 the offensive Sugar Act was renewed. New import duties were laid, and more stringent provisions made for enforcing the Acts of Trade; and the ground was prepared for a permanent and irritating controversy, by commissioning the naval officers stationed on the American coast as revenue officials, with power to make seizures.

25. THE STAMP ACT (1763-1765).

[Sidenote: Plan for a stamp duty.]
[Sidenote: Questions of troops.]

The next step in colonial control met an unexpected and violent resistance. In the winter of 1763-1764 Grenville, then English prime

minister, called together the agents of the colonies and informed them that he proposed to lay a small tax upon the colonies, and that it would take the form of a stamp duty, unless they suggested some other method. Why should England tax the colonies? Because it had been determined to place a permanent force of about ten thousand men in America. A few more English garrisons would have been of great assistance in 1754; the Pontiac outbreak of 1763 had been suppressed only by regular troops who happened to be in the country; and in case of later wars the colonies were likely to be attacked by England's enemies. On the other hand, the colonies had asked for no troops, and desired none. They were satisfied with their own halting and inefficient means of defence; they no longer had French enemies in Canada, and they felt what seems an unreasonable fear that the troops would be used to take away their liberty. From the beginning to the end of the struggle it was never proposed that Americans should be taxed for the support of the home government, or even for the full support of the colonial army. It was supposed that a revenue of one hundred thousand pounds would be raised, which would meet one-third of the necessary expense.

[Sidenote: Stamp Act passed.]

Notwithstanding colonial objections to a standing army, garrisons would doubtless have been received but for the accompanying proposition to tax. On March 10, 1764, preliminary resolutions passed the House of Commons looking towards the Stamp Act. There was no suggestion that the proposition was illegal; the chief objection was summed up by Beckford, of London, in a phrase: "As we are stout, I hope we shall be merciful."

The news produced instant excitement in the colonies. First was urged the practical objection that the tax would draw from the country the little specie which it contained. The leading argument was that taxation without representation was illegal. The remonstrances, by an error of the agents who had them in charge, were not presented until too late. Franklin and others protested to the ministry, and declared the willingness of the colonies to pay taxes assessed in a lump sum on each colony. Grenville silenced them by asking in what way those lump sums should be apportioned. After a short debate in Parliament the Act was passed by a vote of 205 to 49. Barre, one of the members who spoke against it, alluded to the agitators in the colonies as "Sons of Liberty;" the phrase was taken up in the colonies, and made a party war-cry. George the Third was at that moment insane, and the Act was signed by a commission.

[Sidenote: Expectations of success.]

Resistance in the colonies was not expected. Franklin thought that the Act would go into effect; even Otis said that it ought to be obeyed. It laid a moderate stamp-duty on the papers necessary for legal and commercial transactions. At the request of the ministry, the colonial agents suggested as stamp collectors some of the most respected and eminent men in each colony. Almost at the same time was passed an act somewhat relaxing the Navigation Laws; but a Quartering Act was also passed, by which the colonists were obliged, even in time of peace, to furnish the troops who might be stationed among them with quarters and with certain provisions.

26. THE STAMP ACT CONGRESS (1765.)

[Sidenote: Internal and external taxes.]

Issue was now joined on the question which eventually separated the colonies from the mother-country. Parliament had asserted its right to lay taxes on the colonists for imperial purposes. The colonies had up to this time held governmental relations only with the Crown, from whom came their charters. They had escaped taxation because they were poor, and because hitherto they had not occasioned serious expense; but they had accepted the small import duties. They found it hard to reconcile obedience to one set of laws with resistance to the other; and they therefore insisted that there was a distinction between "external taxation" and "internal taxation," between duties levied at the ports and duties levied within the colonies.

[Sidenote: Remonstrances.]

The moment the news reached America, opposition sprang up in many different forms. The colonial legislatures preferred dignified remonstrance. The Virginia Assembly reached a farther point in a set of bold resolutions, passed May 29, 1765, under the influence of a speech by Patrick Henry. They asserted "that 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;" and that the Stamp Act" has a manifest tendency to destroy British as well as American freedom." On June 8, 1765, Massachusetts suggested another means of remonstrance, by calling upon her sister colonies to send delegates to New York "to consider of a general and united, dutiful, loyal, and humble representation of their condition to his Majesty and to the Parliament."

[Sidenote: Riots.]
[Sidenote: Non-Importation.]

Meanwhile opposition had broken out in open violence. In August there were riots in Boston; the house of Oliver, appointed as collector of the stamp taxes, was attacked, and he next day resigned his office. Hutchinson was acting governor of the colony: his mansion was sacked; and the manuscript of his History of Massachusetts, still preserved, carries on its edges the mud of the Boston streets into which it was thrown. The town of Boston declared itself "particularly alarmed and astonished at the Act called the Stamp Act, by which we apprehend a very grievous tax is to be laid upon the colonies." In other colonies there were similar, though less violent, scenes. Still another form of resistance was suggested by the organizations called "Sons of Liberty," the members of which agreed to buy no more British goods. When the time came for putting the act into force, every person appointed as collector had resigned.

[Sidenote: Stamp Act Congress.]

These three means of resistance--protest, riots, and non-importation--were powerfully supplemented by the congress which assembled at New York, Oct. 1765. It included some of the ablest men from nine colonies. Such men as James Otis, Livingston of New York, Rutledge of South Carolina, and John Dickinson of Pennsylvania, met, exchanged views, and promised co-operation. It was the first unmistakable evidence that the colonies would make common cause. After a session of two weeks the congress adjourned, having drawn up petitions to the English government, and a "Declaration of Rights and Grievances of the Colonists in America." In this document they declared themselves entitled to the rights of other Englishmen. They asserted, on the one hand, that they could not be represented in the

British House of Commons, and on the other that they could not be taxed by a body in which they had no representation. They complained of the Stamp Act, and no less of the amendments to the Acts of Trade, which, they said, would "render them unable to purchase the manufactures of Great Britain." In these memorials there is no threat of resistance, but the general attitude of the colonies showed that it was unsafe to push the matter farther.

[Sidenote: Repeal of the Stamp Act.]

Meanwhile the Grenville ministry had given place to another Whig ministry under Rockingham, who felt no responsibility for the Stamp Act. Pitt took the ground that "the government of Great Britain could not lay taxes on the colonies." Benjamin Franklin was called before a committee, and urged the withdrawal of the act. The king, who had now recovered his health, gave it to be understood that he was for repeal. The repeal bill was passed by a majority of more than two to one, and the crisis was avoided.

[Sidenote: Right of taxation asserted.]

To give up the whole principle seemed to the British government impossible; the repeal was therefore accompanied by the so-called Dependency Act. This set forth that the colonies are "subordinate unto and dependent upon the Imperial Crown and Parliament of Great Britain, and that Parliament hath, and of right ought to have, full power to make laws and statutes of sufficient force and validity to bind the colonies and people of America subjects to the Crown of Great Britain in all cases whatsoever." Apparently matters had returned to their former course. The gratitude of the colonies was loudly expressed; but they had learned the effect of a united protest, they had learned how to act together, and they were irritated by the continued assertion of the power of Parliament to tax and otherwise to govern the colonies.

27. REVENUE ACTS (1767).

[Sidenote: Townshend's plans.]
[Sidenote: Quarrel with New York.]

The repeal of the Stamp Act removed the difficulty without removing the cause. The year 1766 was marked in English politics by the virtual retirement of Pitt from the government. His powerful opposition to taxation of the colonies was thus removed, and Charles Townshend became the leading spirit in the ministry. Jan. 26, 1767, he said in the House of Commons: "I know a mode in which a revenue may be drawn from America without offence.... England is undone if this taxation of America is given up." And he pledged himself to find a revenue nearly sufficient to meet the military expenses in America. At the moment that the question of taxation was thus revived, the New York Assembly became involved in a dispute with the home government by declining to furnish the necessary supplies for the troops. An Act of Parliament was therefore passed declaring the action of the New York legislature null,--a startling assertion of a power of disallowance by Parliament.

[Sidenote: Enforcement.]

The three parts of the general scheme for controlling the colonies were now all taken up again. For their action against the troops the New York

Assembly was suspended,--the first instance in which Parliament had undertaken to destroy an effective part of the colonial government. For the execution of the Navigation Acts a board of commissioners of customs was established, with large powers. In June, 1767, a new Taxation Act was introduced, and rapidly passed through Parliament. In order to avoid the objections to "internal taxes," it laid import duties on glass, and white lead, painters' colors, paper, and tea. The proceeds of the Act, estimated at, 40,000 pounds, were to pay governors and judges in America. Writs of Assistance were made legal. A few months afterwards,--December, 1767,--a colonial department was created, headed by a secretary of state. The whole machinery of an exasperating control was thus provided.

[Sidenote: Question of right of taxation.]

Issue was once more joined both in England and America on the constitutional power of taxation. The great principle of English law that taxation was not a right, but a gift of the persons taxed through their representatives, was claimed also by the colonies. Opinions had repeatedly been given by the law officers of the Crown that a colony could be taxed only by its own representatives. The actual amount of money called for was too small to burden them, but it was to be applied in such a way as to make the governors and judges independent of the assemblies. The principle of taxation, once admitted, might be carried farther. As an English official of the time remarked: "The Stamp Act attacked colonial ideas by sap; the Townshend scheme was attacking them by storm every day."

28. COLONIAL PROTESTS AND REPEAL (1767-1770).

[Sidenote: Colonial protest.]
[Sidenote: Massachusetts circular.]
[Sidenote: Coercive measures.]

This time the colonies avoided the error of disorderly or riotous opposition. The leading men resolved to act together through protests by the colonial legislatures and through non-importation agreements. Public feeling ran high. In Pennsylvania John Dickinson in his "Letters of a Farmer" pointed out that "English history affords examples of resistance by force." Another non-importation scheme was suggested by Virginia, but was on the whole unsuccessful. In February, 1768, Massachusetts sent out a circular letter to the other colonies, inviting concerted protests, and declaring that the new laws were unconstitutional. The protest was moderate, its purpose legal; but the ministry attempted to destroy its effect by three new repressive measures. The first of them, April, 1768, directed the governors, upon any attempt to pass protesting resolutions, to prorogue their assemblies. The second was the despatch of troops to Boston: they arrived at the end of September, and remained until the outbreak of the Revolution. The third coercive step was a proposition to send American agitators to England for trial, under an obsolete statute of Henry the Eighth.

[Sidenote: Effect of the tax.]

Meanwhile the duties had been levied. The result was the actual payment of about sixteen thousand pounds; this sum was offset by expenses of collection amounting to more than fifteen thousand pounds, and extraordinary military expenditures of one hundred and seventy thousand pounds. Once more the ministry found no financial advantage and great

practical difficulties in the way of colonial taxation. Once more they determined to withdraw from an untenable position, and once more, under the active influence of the king and his "friends," they resolved to maintain the principle. In April, 1770, all the duties were repealed except that upon tea. Either the ministry should have applied the principle rigorously, so as to raise an adequate revenue, or they should have given up the revenue and the principle together.

29. SPIRIT OF VIOLENCE IN THE COLONIES (1770-1773).

[Sidenote: Troops in Boston.]
[Sidenote: Collision with the mob.]

Repeal could not destroy the feeling of injury in the minds of the colonists; and repeal did not withdraw the coercive acts nor the troops. The garrison in Boston, sustained at the expense of the British treasury, was almost as offensive to the colonists of Massachusetts as if they had been taxed for its support. From the beginning the troops were looked upon as an alien body, placed in the town to execute unpopular and even illegal acts. There was constant friction between the officers and the town and colonial governments, and between the populace and the troops. On the night of March 5, 1770, an affray occurred between a mob and a squad of soldiers. Both sides were abusive and threatening; finally the soldiers under great provocation fired, and killed five men. The riot had no political significance; it was caused by no invasion upon the rights of Americans: but, in the inflamed condition of the public mind, it was instantly taken up, and has gone down to history under the undeserved title of the Boston Massacre. Next morning a town meeting unanimously voted "that nothing can rationally be expected to restore the peace of the town and prevent blood and carnage but the immediate removal of the troops." The protest was effectual; the troops were sent to an island in the harbor; on the other hand, the prosecution of the soldiers concerned in the affray was allowed to slacken. For nearly two years the trouble seemed dying down in Massachusetts.

[Sidenote: Samuel Adams.]
[Sidenote: Committee of Correspondence.]

That friendly relations between the colonies and the mother-country were not re-established is due chiefly to Samuel Adams, a member of the Massachusetts General Court from Boston. His strength lay in his vehemence, his total inability to see more than one side of any question, and still more in his subtle influence upon the Boston town meeting, upon committees, and in private conclaves. He seems to have determined from the beginning that independence might come, ought to come, and must come. In November, 1772, he introduced into the Boston town meeting a modest proposition that "a committee of correspondence be appointed ... to state the Rights of the Colonists and of this Province in particular as Men, as Christians, and as Subjects;--and also request of each Town a free communication of their Sentiments on this subject." The committee blew the coals by an enumeration of rights and grievances; but its chief service was its unseen but efficient work of correspondence, from town to town. A few months later the colony entered into a similar scheme for communication with the sister colonies. These committees of correspondence made the Revolution possible. They disseminated arguments from province to province: they had lists of those ripe for resistance; they sounded legislatures; they prepared the organization which was necessary for the

final rising of 1774 and 1775.

[Sidenote: "Gaspee" burned.]
[Sidenote: Tea.]
[Sidenote: Hutchinson letters.]
[Sidenote: Boston Tea-party.]

Shortly before the creation of this committee, an act of violence in Rhode Island showed the hostility to the enforcement of the Acts of Trade. The "Gaspee," a royal vessel of war, had interfered legally and illegally with the smuggling trade. On June 9, 1772, while in pursuit a vessel, she ran aground. That night the ship was attacked by armed men, who captured and burned her. The colonial authorities were indifferent: the perpetrators were not tried; they were not prosecuted; they were not even arrested. On Dec. 16, 1773, a similar act of violence marked the opposition of the colonies to the remnant of the Townshend taxation acts. The tea duty had been purposely reduced, till the price of tea was lower than in England. Soon after the appointment of the Committees of Correspondence public sentiment in Massachusetts was again aroused by the publication of letters written by Hutchinson, then governor of Massachusetts, to a private correspondent in England. The letters were such as any governor representing the royal authority might have written. "I wish," said Hutchinson, "the good of the colony when I wish to see some fresh restraint of liberty rather than the connection with the parent state should be broken." The assembly petitioned for the removal of Hutchinson, and this unfortunate quarrel was one of the causes of a decisive step, the Boston Tea-party. An effort was made to import a quantity of tea, not for the sake of the tax, but in order to relieve the East India Company from financial difficulties. On December 16, the three tea ships in the harbor were boarded by a body of men in Indian garb, and three hundred and forty-two chests of tea were emptied into the sea. Next morning the shoes of at least one reputable citizen of Massachusetts were found by his family unaccountably full of tea. In other parts of the country, as at Edenton in North Carolina, and at Charleston in South Carolina, there was similar violence.

30. COERCIVE ACTS OF 1774.

[Sidenote: Public feeling in England.]

The British government had taken a false step by its legislation of 1770, but the colonies had now put themselves in the wrong by these repeated acts of violence. There seemed left but two alternatives,--to withdraw the Tea Act, and thus to remove the plea that Parliament was taxing without representation; or to continue the execution of the Revenue Act firmly, but by the usual course of law. It was not in the temper of the English people, and still less like the king, to withdraw offensive acts in the face of such daring resistance. The failure to secure the prosecution of the destroyers of the "Gaspee" caused the British government to distrust American courts as well as American juries. One political writer, Dean Tucker, declared that the American colonies in their defiant state had ceased to be of advantage to England, and that they had better be allowed quietly to separate. Pitt denied the right to tax, but declared that if the colonies meant to separate, he would be the first to enforce the authority of the mother-country.

[Sidenote: Coercive statutes.]

[Sidenote: Quebec Act.]

Neither orderly enforcement, conciliation, nor peaceful separation was the policy selected. England committed the fatal and irremediable mistake of passing illegal statutes as a punishment for the illegal action of the colonists. Five bills were introduced and hastily pushed through Parliament. The first was meant as a punishment for the Tea-party. It enacted that no further commerce was to be permitted with the port of Boston till that town should make its submission. Burke objected to a bill "which punishes the innocent with the guilty, and condemns without the possibility of defence." The second act was intended to punish the whole commonwealth of Massachusetts, by declaring void certain provisions of the charter granted by William III. in 1692. Of all the grievances which led to the Revolution this was the most serious, for it set up the doctrine that charters proceeding from the Crown could be altered by statute. Thenceforward Parliament was to be omnipotent in colonial matters. The third act directed that "Persons questioned for any Acts in Execution of the Law" should be sent to England for trial. It was not intended to apply to persons guilty of acts of violence, but to officers or soldiers who, in resisting riots, might have made themselves amenable to the civil law. The fourth act was a new measure providing for the quartering of soldiers upon the inhabitants, and was intended to facilitate the establishment of a temporary military government in Massachusetts. The fifth act had no direct reference to Massachusetts, but was later seized upon as one of the grievances which justified the Revolution. This was the Quebec Act, providing for the government of the region ceded by France in 1763. It gave to the French settlers the right to have their disputes decided under the principles of the old French civil law; it guaranteed them the right of exercising their own religion; and it annexed to Quebec the whole territory between the Ohio and Mississippi Rivers and the Great Lakes. The purpose of this act was undoubtedly to remove the danger of disaffection or insurrection in Canada, and at the same time to extinguish all claims of Connecticut, Massachusetts, and Virginia to the region west of Pennsylvania.

31. THE FIRST CONTINENTAL CONGRESS (1774).

[Sidenote: Gage's quarrel with Massachusetts.]

The news of this series of coercive measures was hardly received in Massachusetts before General Gage appeared, bearing a commission to act as governor of the province; and in a few weeks the Port Bill and the modifications of the charter were put in force. If the governor supposed that Boston stood alone, he was quickly undeceived. From the other towns and from other colonies came supplies of food and sympathetic resolutions. On June 17th, under the adroit management of Samuel Adams, the General Court passed a resolution proposing a colonial congress, to begin September 1st at Philadelphia. While the resolutions were going through, the governor's messenger in vain knocked at the locked door, to communicate a proclamation dissolving the assembly. The place of that body was for a time taken by the Committee of Correspondence, in which Samuel Adams was the leading spirit, and by local meetings and conventions. In August, Gage came to an open breach with the people. In accordance with the Charter Act, he proceeded to appoint the so-called "mandamus" councillors. An irregularly elected Provincial Congress declared that it stood by the charter of 1692, under which the councillors were elected by the General Court. The first effect of the coercive acts was, therefore,

to show that the people of Massachusetts stood together.

[Sidenote: Delegates chosen.]
[Sidenote: The Congress.]

Another effect was to enlist the sympathy of the other colonies. The movement for a congress plainly looked towards resistance and revolution. In vain did the governors dissolve the assemblies that seemed disposed to send delegates. Irregular congresses and conventions took their place, and all the colonies but Georgia somehow chose delegates. The first Continental Congress which assembled in Philadelphia on September 5, 1774, was, therefore, a body without any legal status. It included, however, some of the most influential men in America. From Massachusetts came Samuel Adams and John Adams; from New York, John Jay; from Virginia, Patrick Henry and George Washington. The general participation in this congress was an assurance that all America felt the danger of parliamentary control, and the outrage upon the rights of their New England brethren.

[Sidenote: Declaration of Rights.]

This feeling was voiced in the action of the Congress. Early resolutions set forth approval of the action of Massachusetts. Then came the preparation of a "Declaration of Rights" of the colonies, and of their grievances. They declared that they were entitled to life, liberty, and property, and to the rights and immunities of free and natural born subjects within the realm of England. They denied the right of the British Parliament to legislate in cases of "taxation and internal polity," but "cheerfully consent to the operation of such Acts of the British Parliament as are _bona fide_ restrained to the regulation of our external commerce." They protested against "the keeping up a standing army in these colonies in times of peace." They enumerated a long list of illegal Acts, including the coercive statutes and the Quebec Act.

[Sidenote: The Association.]

The only action of the First Continental Congress which had in any degree the character of legislation was the "Association,"--the only effective non-importation agreement in the whole struggle. The delegates united in a pledge that they would import no goods from England or other English colonies, and particularly no slaves or tea; and they recommended to the colonies to pass efficient legislation for carrying it out. The Revolutionary "congresses" and "conventions," and sometimes the legislatures themselves, passed resolutions and laid penalties. A more effective measure was open violence against people who persisted in importing, selling, or using British goods or slaves.

[Sidenote: Action of the Congress.]

The First Continental Congress was simply the mouthpiece of the colonies. It expressed in unmistakable terms a determination to resist what they considered aggressions; and it suggested as a legal and effective means of resistance that they should refuse to trade with the of mother-country. Its action, however, received the approval of an assembly or other representative body in each of the twelve colonies. Before it adjourned, the congress prepared a series of addresses and remonstrances, and voted that if no redress of grievances should have been obtained, a second congress should assemble in May, 1775.

32. OUTBREAK OF HOSTILITIES (1775).

[Sidenote: Attitude of the Whigs.]
[Sidenote: Coercion]

When Parliament assembled in January, 1775, it was little disposed to make concessions; but the greatest living Englishman now came forward as the defender of the colonies. Pitt declared that the matter could only be adjusted on the basis "that taxation is theirs, and commercial regulation ours." Although he was seconded by other leading Whigs, the reply of the Tory ministry to the remonstrance of the colonies was a new series of acts. Massachusetts was declared in a state of rebellion; and the recalcitrant colonies were forbidden to trade with Great Britain, Ireland, or the West Indies, or to take part in the Newfoundland fisheries.

[Sidenote: Affairs in Massachusetts.]
[Sidenote: Lexington and Concord.]

Before these acts could be known in America, matters had already drifted to a point where neither coercion nor conciliation could effect anything. Through the winter 1774-1775 Gage lay for the most part in Boston, unable to execute his commission outside of his military lines, and unwilling to summon a legislature which was certain to oppose him. The courts were broken up, jurors could not be obtained, the whole machinery of government was stopped. Meanwhile, in February, 1775, the people had a second time elected a provincial congress, which acted for the time being as their government. This body prepared to raise a military force, and asked aid of other New England colonies. April 19, 1775, a British expedition was sent from Boston to Lexington and Concord to seize military stores there assembled for the use of the provincial forces. The British were confronted on the village green of Lexington by about one hundred militiamen, who refused to disperse, and were fired upon by the British. At Concord the British found and destroyed the stores, but were attacked and obliged to retire, and finally returned to Boston with a loss of three hundred men. The war had begun. Its issue depended upon the moral and military support which Massachusetts might receive from the other colonies.

33. JUSTIFICATION OF THE REVOLUTION.

[Sidenote: Malcontents put down.]

The cause of Massachusetts was unhesitatingly taken up by all the colonies, from New Hampshire to Georgia. America was united. This unanimity proceeded, however, not from the people, but from suddenly constituted revolutionary governments. No view of the Revolution could be just which does not recognize the fact that in no colony was there a large majority in favor of resistance, and in some the patriots were undoubtedly in a minority. The movement, started by a few seceders, carried with it a large body of men who were sincerely convinced that the British government was tyrannical. The majorities thus formed, silenced the minority, sometimes by mere intimidation, sometimes by ostracism, often by flagrant violence. One kind of pressure was felt by old George Watson of Plymouth, bending his bald head over his cane, as his neighbors one by one left the church in which he sat, because they would not associate with a "mandamus

councillor." A different argument was employed on Judge James Smith of New York, in his coat of tar and feathers, the central figure of a shameful procession.

[Sidenote: Early organization.]

Another reason for the sudden strength shown by the Revolutionary movement was that the patriots were organized and the friends of the established government did not know their own strength. The agent of British influence in almost every colony was the governor. In 1775 the governors were all driven out. There was no centre of resistance about which the loyalists could gather. The patriots had seized the reins of government before their opponents fairly understood that they had been dropped.

[Sidenote: Feeling of common interest.]

Another influence which hastened the Revolution was a desire to supplant the men highest in official life. There was no place in the colonial government for a Samuel Adams or a John Adams while the Hutchinsons and the Olivers were preferred. But no personal ambitions can account for the agreement of thirteen colonies having so many points of dissimilarity. The merchants of Boston and New Haven, the townsmen of Concord and Pomfret, the farmers of the Hudson and Delaware valleys, and the aristocratic planters of Virginia and South Carolina, deliberately went to war rather than submit. The causes of the Revolution were general, were wide-spread, and were keenly felt by Americans of every class.

[Sidenote: Resistance of taxation.]

The grievance most strenuously put forward was that of "taxation without representation." On this point the colonists were supported by the powerful authority of Pitt and other English statesmen, and by an unbroken line of precedent. They accepted "external taxation;" at the beginning of the struggle they professed a willingness to pay requisitions apportioned in lump sums on the colonies; they were accustomed to heavy taxation for local purposes; in the years immediately preceding the Revolution the people of Massachusetts annually raised about ten shillings per head. They sincerely objected to taxation of a new kind, for a purpose which did not interest them, by a power which they could not control. The cry of "Taxation without representation" had great popular effect. It was simple, it was universal, it sounded like tyranny.

[Sidenote: Resistance of garrisons.]

A greater and more keenly felt grievance was the establishment of garrisons. The colonies were willing to run their own risk of enemies. They asserted that the real purpose of the troops was to overawe their governments. The despatch of the regiments to Boston in 1768 was plainly intended to subdue a turbulent population. The British government made a serious mistake in insisting upon this point, whether with or without taxes.

[Sidenote: Resistance to Acts of Trade.]

By far the most effective cause of the Revolution was the English commercial system. One reason why a tax was felt to be so great a hardship was, that the colonies were already paying a heavy indirect tribute to the British nation, by the limitations on their trade. The fact that French and Spanish colonists suffered more than they did, was no argument to

Englishmen accustomed in most ways to regulate themselves. The commercial system might have been enforced; perhaps a tax might have been laid: the two together made a grievance which the colonies would not endure.

[Sidenote: Stand for the charters.]

The coercive acts of 1774 gave a definite object for the general indignation. In altering the government of Massachusetts they destroyed the security of all the colonies. The Crown was held unable to withdraw a privilege once granted; Parliament might, however, undo to-morrow what it had done to-day. The instinct of the Americans was for a rigid constitution, unalterable by the ordinary forms of law. They were right in calling the coercive acts unconstitutional. They were contrary to the charters, they were contrary to precedent, and in the minds of the colonists the charters and precedent, taken together, formed an irrepealable body of law.

[Sidenote: Oppression not grievous.]
[Sidenote: Restraints on trade.]
[Sidenote: Resistance to one-man power.]

In looking back over this crisis, it is difficult to see that the colonists had suffered grievous oppression. The taxes had not taken four hundred thousand pounds out of their pockets in ten years. The armies had cost them nothing, and except in Boston had not interfered with the governments. The Acts of Trade were still systematically evaded, and the battle of Lexington came just in time to relieve John Hancock from the necessity of appearing before the court to answer to a charge of smuggling. The real justification of the Revolution is not to be found in the catalogue of grievances drawn up by the colonies. The Revolution was right because it represented two great principles of human progress. In the first place, as the Americans grew in importance, in numbers, and in wealth, they felt more and more indignant that their trade should be hampered for the benefit of men over seas. They represented the principle of the right of an individual to the products of his own industry; and their success has opened to profitable trade a thousand ports the world over. In the second place the Revolution was a resistance to arbitrary power. That arbitrary power was exercised by the Parliament of Great Britain; but, at that moment, by a combination which threatened the existence of popular government in England, the king was the ruling spirit over Parliament. The colonists represented the same general principles as the minority in England. As Sir Edward Thornton said, when minister of Great Britain to the United States, in 1879: "Englishmen now understand that in the American Revolution you were fighting our battles."

CHAPTER IV.

UNION AND INDEPENDENCE (1775-1783).

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35. THE STRENGTH OF THE COMBATANTS (1775).

[Sidenote: Power of Great Britain.]

When we compare the population and resources of the two countries, the defiance of the colonists seems almost foolhardy. In 1775 England, Ireland, and Scotland together had from eight to ten million souls; while the colonies numbered but three millions. Great Britain had a considerable system of manufactures, and the greatest foreign commerce in the world,

and rich colonies in every quarter of the globe poured wealth into her lap. What she lacked she could buy. In the year 1775 the home government raised ten million pounds in taxes, and when the time came she was able to borrow hundreds of millions in all the colonies together, two million pounds in money was the utmost that could be raised in a single year by any system of taxes or loans. In 1776 one hundred and thirty cruisers and transports brought the British army to New York: the whole American navy had not more than seventeen vessels. In moral resources Great Britain was decidedly stronger than America. Parliament was divided, but the king was determined. On Oct 15, 1775, he wrote: "Every means of distressing America must meet with my concurrence." Down to 1778 the war was popular in England, and interfered little with her prosperity.

[Sidenote: Weakness of America.]

How was it in America? Canada, the Floridas, the West Indies, and Nova Scotia held off. Of the three millions of population, five hundred thousand were negro slaves, carried no muskets, and caused constant fear of revolt. John Adams has said that more than a third part of the principal men in America were throughout opposed to the Revolution; and of those who agreed with the principles of the Revolution, thousands thought them not worth fighting for. There were rivalries and jealousies between American public men and between the sections. The troops of one New England State refused to serve under officers from another State. The whole power of England could be concentrated upon the struggle, and the Revolution would have been crushed in a single year if the eyes of the English had not been so blinded to the real seriousness of the crisis that they sent small forces and inefficient commanders. England was at peace with all the world, and might naturally expect to prevent the active assistance of the colonies by any other power.

[Sidenote: The two armies.]
[Sidenote: Hessians.]
[Sidenote: Indians.]
[Sidenote: Discipline.]

When the armies are compared, the number and enthusiasm of the Americans by no means made up for the difference of population. On the average, 33,000 men were under the American colors each year; but the army sometimes fell, as at the battle of Princeton, Jan. 2, 1777, to but 5,000. The English had an average of 40,000 troops in the colonies, of whom from 20,000 to 25,000 might have been utilized in a single military operation; and in the crisis of the general European war, about 1780, Great Britain placed 314,000 troops under arms in different parts of the world. The efficiency of the American army was very much diminished by the fact that two kinds of troops were in service,--the Continentals, enlisted by Congress; and the militia, raised by each colony separately. Of these militia, New England, with one fourth of the population of the country, furnished as many as the other colonies put together. The British were able to draw garrisons from other parts of the world, and to fill up gaps with Germans hired like horses; yet, although sold by their sovereign at the contract price of thirty-six dollars per head, and often abused in service, these Hessians made good soldiers, and sometimes saved British armies in critical moments. Another sort of aliens were brought into the contest, first by the Americans, later by the English. These were the Indians. They were intractable in the service of both sides, and determined no important contest; but since the British were the invaders, their use of the Indians combined with that of the Hessians to exasperate the Americans, although they had the same kind of savage allies, and

eventually called in foreigners also. In discipline the Americans were far inferior to the English. General Montgomery wrote: "The privates are all generals, but not soldiers;" and Baron Steuben wrote to a Prussian officer a little later: "You say to your soldier, 'Do this,' and he doeth it; but I am obliged to say to mine, 'This is the reason why you ought to do that,' and then he does it." The British officers were often incapable, but they had a military training, and were accustomed to require and to observe discipline. The American officers came in most cases from civil life, had no social superiority over their men, and were so unruly that John Adams wrote in 1777: "They quarrel like cats and dogs. They worry one another like mastiffs, scrambling for rank and pay like apes for nuts."

[Sidenote: Commanders.]

The success of the Revolution was, nevertheless, due to the personal qualities of these officers and their troops, when directed by able commanders. In the early stages of the war the British generals were slow, timid, unready, and inefficient. Putnam, Wayne, Greene, and other American generals were natural soldiers; and in Washington we have the one man who never made a serious blunder, who was never frightened, who never despaired, and whose unflinching confidence was the rallying point of the military forces of the nation.

[Sidenote: Plans of campaign.]

The theatre of the war was more favorable to the British than to the Americans. There were no fortresses, and the coast was everywhere open to the landing of expeditions. The simplest military principle demanded the isolation of New England, the source and centre of the Revolution, from the rest of the colonies. From 1776 the British occupied the town of New York, and they held Canada. A combined military operation from both South and North would give them the valley of the Hudson. The failure of Burgoyne's expedition in 1777 prevented the success of this manoeuvre. The war was then transferred to the Southern colonies, with the intention to roll up the line of defence, as the French line had been rolled up in 1758; but whenever the British attempted to penetrate far into the country from the sea-coast, they were eventually worsted and driven back.

36. THE SECOND CONTINENTAL CONGRESS (1775).

[Sidenote: Conception of a "Congress."]

Before the war could be fought, some kind of civil organization had to be formed. On May 10, 1775, three weeks after the battle of Lexington, the second Continental Congress assembled in Philadelphia, and continued, with occasional adjournments, till May 1, 1781. To the minds of the men of that day a congress was not a legislature, but a diplomatic assembly, a meeting of delegates for conference, and for suggestions to their principals. To be sure, this Congress represented the people, acting through popular conventions, and not the old colonial assemblies; yet those conventions assumed to exercise the powers of government in the colonies, and expected the delegates to report back to them, and to ask for instructions. Nevertheless, the delegates at once began to pass resolutions which were to have effect without any ratification by the legislatures. Of the nine colonies which gave formal instructions to their representatives, all but one directed them to "order" something, or to "determine" something, or to pass "binding" Acts.

[Sidenote: Advisory action.]

Thus Congress began rather as the adviser than as the director of the colonies; but it advised strong measures. On May 30, 1775, a plan of conciliation suggested by Lord North was pronounced "unreasonable and insidious." On the request of the provincial congress of Massachusetts Bay, it recommended that body to "form a temporary colonial government until a governor of his Majesty's appointment will consent to govern the colony according to its charter." June 12, Congress issued a proclamation recommending "a day of public humiliation, fasting, and prayer." Like the First Continental Congress, it framed several petitions and addresses to the British people and to the king of Great Britain. During the first six weeks of its existence, therefore, the Second Continental Congress acted chiefly as the centre for common consultation, and as the agent for joint expostulation.

37. THE NATIONAL GOVERNMENT FORMED (1775).

[Sidenote: War in Massachusetts.]
[Sidenote: National military measures.]

The situation rapidly passed beyond the stage of advice. The people of Massachusetts and the neighboring colonies, on their own motion, had shut up the governor of the colony and his troops in the town of Boston, and were formally besieging him. On June 17 the British made their last sortie, and attacked and defeated the besieging forces at Bunker Hill. Neither the country nor Congress could long stand still. Precisely a week after assembling, Congress voted that certain commerce "must immediately cease." A week later, May 26, they "Resolved, unanimously, that the militia of New York be armed and trained ... to prevent any attempt that may be made to gain possession of the town;" and on June 14 the momentous resolution was reached that "an American continental army should be raised." On the following day George Washington, Esq., of Virginia, "was unanimously selected to command all the continental forces raised or to be raised for the defence of American liberty." In October the fitting out of a little navy and the commissioning of privateers were authorized.

These acts were acts of war such as up to this time had been undertaken only by individual colonies or by the home government. They were, further, acts of united resistance, and in form they pledged the whole country to the establishment of a military force, and the maintenance of hostilities until some accommodation could be reached.

[Sidenote: National diplomacy.]
[Sidenote: Other national powers.]

In other directions the Continental Congress showed similar energy. November 29, 1775, "a Committee of Correspondence with our friends abroad" was ordered, and thus began, the foreign relations of the United States of America. National ambassadors were eventually sent out; no colony presumed to send its own representative across the sea; foreign affairs from this time on were considered solely a matter for the Continental Congress. In like manner, Congress quietly took up most of the other matters which had been acknowledged up to this time to belong to the home government. Congress assumed the control of the frontier Indians, till this time the wards of England. The post-national office had been directed by English

authority; Congress took it over. The boundaries and other relations of the colonies had been strictly regulated by the home government; Congress undertook to mediate in boundary disputes. Parliament had controlled trade; Congress threw open American ports to all foreign nations, and prohibited the slave-trade. In financial matters Congress went far beyond any powers ever exercised by England. June 22 it ordered an issue of two million dollars in continental paper currency, and subscriptions to national loans were opened both at home and abroad.

[Sidenote: Basis of national authority.]

This assumption of powers is the more remarkable since their exercise by England had caused the Revolution. The right to raise money by national authority, the right to maintain troops without the consent of the colonies, and the right to enforce regulations on trade,--these were the three disputed points in the English policy of control. They were all exercised by the Continental Congress, and accepted by the colonies. In a word, the Continental Congress constituted a government exercising great sovereign powers. It began with no such authority; it never received such authority until 1781. The war must be fought, the forces of the people must be organized; there was no other source of united power and authority; without formally agreeing to its supremacy, the colonies and the people at large acquiesced, and accepted it as a government.

[Sidenote: Organization of the government.]

For the carrying out of great purposes Congress was singularly inefficient. The whole national government was composed of a shifting body of representatives elected from time to time by the colonial or State legislatures. It early adopted the system of forming executive committees out of its own number: of these the most important was the Board of War, of which John Adams was the most active member. Later on, it appointed executive boards, of which some or all the members were not in Congress: the most notable example was the Treasury Office of Accounts. Difficult questions of prize and maritime law arose; and Congress established a court, which was only a committee of its own members. In all cases the committees, boards, or officials were created, and could be removed, by Congress. The final authority on all questions of national government in all its forms was simply a majority of colonies or States in the Continental Congress.

38. INDEPENDENCE DECLARED (1776).

[Sidenote: Tendency towards independence.]

Under the direction of Congress and the command of General Washington the siege of Boston was successfully pushed forward during the winter of 1775-76. From the beginning of the struggle to this time two political currents had been running side by side,--the one towards a union of the colonies, the other towards independence. Of these the current of union had run a little faster. Notwithstanding the authority which they had set over themselves, the colonies still professed to be loyal members of the British empire. To be sure, there is a strong smack of insincerity in the protestations poured forth by the assemblies and the second Continental Congress. But John Adams says: "That there existed a general desire of independence of the Crown in any part of America before the Revolution, is as far from the truth as the zenith is from the nadir." Yet Patrick Henry

declared as early as September, 1774. that "Government is dissolved. Fleets and armies and the present state of things show that government is dissolved. We are in a state of nature, sir.... All America is thrown into one mass."

[Sidenote: Hesitation.]
[Sidenote: Suggestion of independence.]

From the moment that the Second Continental Congress had ordered the colonies to be put in a state of defence, either independence must come, or thee colonies must submit. No far-seeing man could expect that England would make the concessions which the colonies declared indispensable. Yet for more than a year Congress hesitated to declare publicly that the Americans would not return to obedience. As forgiving and loyal subjects of a king misled by wicked advisers, they still seemed supported by precedent and acting on the rights of Englishmen. Suggestions were made throughout 1775 looking towards independence Thus the New Hampshire Revolutionary Convention declared that "the voice of God and of nature demand of the colonies to look to their own political affairs." In May, 1775, came the resolutions of a committee of Mecklenburg County, North Carolina. In declaring that the government of the colonies had ceased to exist, they were probably not different in spirit from many other resolutions passed by like bodies. On July 8, 1775, Congress sent its last formal petition to the Crown. In it "Your Majesty's faithful subjects" set forth "the impossibility of reconciling the usual appearance of respect with a just Attention to our own preservation against those artful and cruel Enemies who abuse your royal Confidence and Authority for the Purpose of effecting our destruction." Congress was determined to wait until the petition had been received. On the day when it was to have been handed to the king, appeared a royal proclamation announcing that open and armed rebellion was going on in America.

[Sidenote: Congress determined.]

The news of the fate of the petition reached Philadelphia on October 31. The hesitation of Congress was at an end. Three days later it resolved to recommend the people of New Hampshire to establish their own government. The next day similar advice was given to South Carolina, with the promise of continental troops to defend the colony. Here for the first time was an official recognition of the fact that the colonies stood no longer under English control. It was an assertion that independence existed, and the steps towards a formal declaration were rapid.

[Sidenote: Independence decided on.]
[Sidenote: Declaration of Independence.]
[Sidenote: Rights of man.]

In this as in other similar crises Congress waited to find out the wish of the colonial legislatures. By May 15, 1776, the opinion of so many colonies had been received in favor of a declaration of independence that Congress voted, "That it is necessary that the exercise of every kind of authority under the Crown of Great Britain should be totally suppressed." Congress was now committed; and during the next few weeks the form of the declaration was the important question for discussion. Throughout the country, resolutions in favor of independence were passed by legislatures, conventions, and public meetings. On July 4, 1776, Congress adopted a solemn Declaration of Independence. Like the statement of grievances of 1765 and the declaration of 1774, this great state paper, drawn by the nervous pen of Thomas Jefferson, set forth the causes of ill-feeling

toward Great Britain. First comes a statement of certain self-evident truths, a reiteration of those rights of man upon which Otis had dwelt in his speech of 1761. Then follows an enumeration of grievances put forward in this crisis as their justification in the face of the world; yet of the twenty-nine specifications of oppressive acts, not more than five were manifestly illegal according to the prevailing system of English law. So far as the Declaration of Independence shows, liberality and concession on the part of England might even then have caused the Revolution to halt.

[Sidenote: Assertion of independence.]

Another part of the Declaration is a statement that "These United Colonies are free and independent states, dissolved from all allegiance to Great Britain, and have the powers of sovereign states." In form and spirit this clause does not create independent states, but declares that they are already independent. Independence in no wise changed the status or character of the Continental Congress: it continued to direct military operations and foreign negotiations, to deal with the Indians, and to regulate national finances. The immediate effect of the Declaration of Independence was that it obliged every American to take sides for or against the Revolution. No one could any longer entertain the delusion that he could remain loyal to Great Britain while making war upon her. It was, therefore, a great encouragement to the patriots, who speedily succeeded, in most colonies, in driving out or silencing the loyalists. There is a tradition that another member of Congress said to Franklin at this time, "We must all hang together." "Yes," replied Franklin, "we must all hang together, or we shall all hang separately."

39. NEW STATE GOVERNMENTS FORMED (1775-1777).

[Sidenote: Is the Union older than the States?]
[Sidenote: Revolutionary governments.]

A practical result of the Declaration of Independence was that from that day each colony assumed the name of State; and the union changed its name of "The United Colonies" to the proud title of "The United States of America." Were the new States essentially different from the colonies? This is one of the insoluble questions connected with the formation of the Union. Calhoun later declared that the Declaration of Independence changed the colonies from provinces subject to Great Britain to States subject to nobody. Lincoln in his message of July 4, 1861, said that "The Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and in fact it created them as States." That the States did not regard independence as freeing them from their relation to Congress may be seen from the fact that their new governments were formed under the direction or with the permission of Congress. The outbreak of the Revolution in 1775 had suddenly destroyed the constitutional governments with which the colonies were familiar. Everywhere courts were prevented from sitting, and governors were impeded or driven out. In order to organize resistance and also to carry out the ordinary purposes of government, in each colony there arose a revolutionary and unauthorized body, known as the Provincial Convention, or Provincial Congress, which took upon itself all the powers of government. The new arrangement was unsatisfactory to a people accustomed to orderly government and to stable administrations. They turned to Congress for advice. At first Congress suggested only temporary arrangements. In November, 1775, it encouraged the colonies to form

permanent organizations, and on May 10, 1776, it advised them all to "adopt such governments as shall ... best conduce to the happiness and safety of their constituents in particular, and America in general."

[Sidenote: State constitutions.]

Acting under these suggestions, the colonies had already begun before July 4, 1776, to draw up written instruments of government. In two States, Connecticut and Rhode Island, the old charters were so democratic that with a few slight changes of phraseology they were sufficient for the new conditions. In all other colonies the opportunity was taken to alter the familiar machinery. The Provincial Conventions, or, in one case, a special Constitutional Convention, drew up a constitution and put it into force. Since the governor had been unpopular, in several cases his place was supplied by an executive council. The courts were reorganized on the old basis, and the judges were left appointive. The first constitution to be formed was that of New Hampshire. January 5, 1776, the Provincial Congress voted "to take up civil government as follows." By 1777, nine other new constitutions had thus been provided. They mark an epoch in the constitutional history of the world. The great English charters and the Act of Settlement were constitutional documents; but they covered only a small part of the field of government. Almost for the first time in history, representatives of the people were assembled to draw up systematic and complete constitutions, based on the consent of the governed.

[Sidenote: Constitution of Massachusetts.]

Singularly enough, the last State to form a definite constitution was Massachusetts. Till 1776, that colony claimed to be acting under a charter which England was ignoring. The General Court then chose councillors of its own to act as an executive. Dissensions broke out, and a considerable body of the people of Berkshire County repudiated this government and demanded a new constitution. In 1780 a constitution was drafted by a convention assembled solely for that purpose, and, for the first time in the history of America, the work of a convention was submitted for ratification by a popular vote.

40. THE FIRST PERIOD OF THE WAR (1775-1778).

[Sidenote: British military policy.]

Two policies presented themselves to the British government at the beginning of the war. They might have used their great naval strength alone, blockading the coast and sealing every harbor; thus the colonies would be cut off from the rest of the world, and allowed to enjoy their independence until they were ready to return to their allegiance. The alternative of invasion was chosen; but it was useless, with the forces available, to occupy any considerable part of the interior. By threatening various parts of the coast, the Americans could be obliged to make many detachments of their few troops. By occupying the principal towns, such as Newport, New York, Philadelphia, Charleston, and Savannah, the centres of resistance could be broken up, the loyalists encouraged, and bases established, from which the main American armies were to be reached and destroyed. On the sea the navy was to be used to ruin American commerce and to prevent the importation of supplies.

[Sidenote: American military policy.]

The policy of the Americans was, not to attempt to defend the whole coast, but to keep as large a number of troops as they could raise together in one body, as a substantial army; to defend their land communication from New England to the South; and by standing ready for operations in the field, to prevent the British from making any large detachments. They must hold as much of their territory as possible, in order to prevent defections; and they must take every advantage of their defensive position, in order at length to hem in and capture the opposing armies on the coast, as they did finally at Yorktown. The open gate through the Hudson they strove to close early in the war by invasion of Canada. On the sea all they could do was to capture supplies and destroy commerce, and by the ravages of their privateers to inspire the enemy with respect.

[Sidenote: Plans frustrated.]

Neither party was able to carry out its plans. The British took all the principal seaports, but were able to hold none, except New York, to the end of the war. First Burgoyne and later Cornwallis made a determined attempt to penetrate far into the interior, and both were captured. On the other hand, the Americans could not shake off the main central army, and there was danger to the very last that the British would beat them in one pitched battle which would decide the war.

[Sidenote: Campaign of 1776.]
[Sidenote: Princeton and Trenton.]

Military operations began with several surprises to the advantage of the colonists. They took Ticonderoga and invested Boston before the British government believed that a fight was impending. An expedition to Canada failed in 1775-76, but Boston fell. Down to the day of the Declaration of Independence the advantage was clearly with the colonists. The hard, stern struggle of the war began in August, 1776, with the arrival of the British in the harbor of New York. The Americans were attacked on Long Island, and obliged to retreat across the river; when the militia were attacked on that side Washington says: "They ran away in the greatest confusion, wi

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