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by MARSHALL SMELSER

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AMERICAN COLONIAL AND
REVOLUTIONARY HISTORY

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AMERICAN COLONIAL AND REVOLUTIONARY HISTORY

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University of Notre Dame



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PREFACE

This outline is presented as an organized digest of the essentials of American Colonial and Revolutionary history in the hope that it will be useful to students who need a preliminary over-all view of the subject, to those who may require background in related courses such as American literature, and to laymen who have some curiosity concerning the period. Advanced students may find it valuable in organizing their knowledge, and both students and instructors will possibly discover it to be of service as a guide to the standard sources and secondary works.

The "topics for further study," which are listed in the form of problems at the end of each chapter, in each instance require the student to do some independent reading before undertaking their solutions. The writer also believes that most of them can be adapted for assignment as term thesis topics. The outline is divided into seventeen chapters and can be used for either a semester or a year course in the subject.

The writer hopes he is not merely adding to the number of what Bacon called "the moths and corruptions of history, which are *epitomes*." Any student who regards this manual as a possible substitute for reading and thinking will be disappointed. But one who uses it as a key to open the sometimes difficult gate to historical learning ought to profit by it.

M. S.

Significant Dates

Fall of Acre	1291
Discovery of America	1492
Treaty of Tordesillas	1494
Settlement of Roanoke Island	1587
Spanish Armada	1588
Founding of Quebec	1608

CHAPTER I

A NEW WORLD

FIFTEENTH-CENTURY EUROPE

By the end of the fifteenth century European knowledge of other continents had been increased beyond that of all earlier ages, through commercial enterprise, geographical study, and a crusading spirit.

Commercial Enterprise. In the later Middle Ages, trade with Asia had expanded at the same time that a revolutionary change in methods of doing business occurred.

THE ASIATIC TRADE. The Crusades had taken European men to strange Near Eastern lands and had introduced them to many previously unknown mercantile products. From this introduction had grown a trade in Oriental goods, such as spices, jewels, and fabrics, which were imported from Asia through many middlemen and over slowly traveled, uncertain routes. This business eventually became an Italian monopoly, by agreement between the Italians and the Turks. Because of the high overhead costs and the difficulties of the trade, attempts to deal more directly with Asia were to be

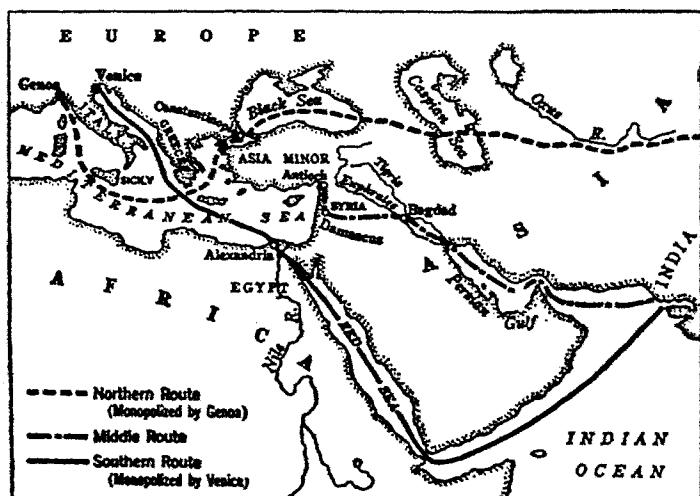
expected, and one such attempt was made by the Genoese as early as the thirteenth century.

OBJECTS OF TRADE. In Europe, spices were the most desired of Oriental products, because they overcame the monotony of the European winter diet in which salted and smoked meats and fish were staples. Similarly the luxurious Oriental textiles were a pleasant substitute for the universally worn woolen clothes of Europe—for those who could afford them.

THE COMMERCIAL REVOLUTION. The economic history of the later Middle Ages was the history of continuously increasing business activity. As profits accumulated in the hands of merchants and bankers, more and more surplus wealth became available for investment in new enterprises. Credit was easier to obtain than in earlier centuries and this made business more flexible. New ventures overseas could hardly have been undertaken without the accumulation of capital and the expansion of credit.

Increase of Geographical Knowledge. The men of the late fifteenth century had added to the inherited geographical knowledge of Europe by experience and by travelers' tales. Their ships were superior to earlier ships and they knew more of the science of navigation than any earlier men had known.

THE INHERITANCE FROM ANCIENT GEOGRAPHY. Ancient geographical knowledge possessed by educated fifteenth-century men was



From *The Development of Hispanic America* by A. Curtis Wilgus; reproduced by permission of Rinehart & Company, publishers.

Fifteenth-Century Routes of Trade between Europe and Asia

based on the work of both geographical scholars and practical navigators. They knew from astronomy that the earth was round, and their estimates of its size were approximately correct. According to the theories of some writers, it was possible to sail a ship around the world. They had a descriptive geographical book, the *Geography* of Claudius Ptolemy. And, equally important with the theoretical knowledge, they had a practical acquaintance with European waters, which had been gained through cumulative experience since the long voyages of the Phoenicians some 2500 years before.

LATE MEDIEVAL GEOGRAPHICAL INFORMATION. In addition to ancient knowledge which was a part of their cultural inheritance, late medieval men had gained a practical experience in solving the problems of overseas life and colonization from the occupation of the Canary Islands and of Madeira, by the Spanish and Portuguese respectively. Marco Polo had returned to Europe from China in 1295, and his written account of his travels was widely read. Catholic missionaries in Asia had sent or brought back accurate and exciting descriptions of the Far East. Marco Polo and the missionaries agreed on the significant fact that China was bordered by the sea.

IMPROVEMENTS IN NAVIGATION. The work of shipbuilders in the later Middle Ages improved steadily. Portuguese seamen perfected narrow ships, called "caravels," with high-peaked lateen sails (still seen today on Arab ships), which could sail against the wind more efficiently than any earlier ships and which were as fast as many modern sailing yachts. From the Arabs the Portuguese adapted the astrolabe (a simple device for determining latitude) to seafaring. They also produced the portolano charts, which were the first useful hydrographic charts, since they were based on the factual evidence of sailing masters and were intended for seagoing use, not for amusement or ornament.

Crusading Motive. The fall of Acre (1291), which had been the principal fortress of the Latin Kingdom of Jerusalem as established by the earlier Crusaders, marks the end of the Crusades. These had been the great broadening influence of the Middle Ages. But the Crusaders' dream of freeing the Holy Land from the Mohammedans was not dead. The fall of Acre turned the adventurous of heart westward, to the West and to Africa, where they seem to have been equally interested in the legendary River of Gold which might be found in Africa, and in the mythical Prester John, the Christian king of unknown Ethiopia who might help them against the Mohammedans of the eastern Mediterranean. Columbus always hoped to

find treasure for a crusade, and frequently signed his name Christoferens (Christ Bearer) as one carrying Christianity to the heathen.

The Protestant Revolution. At the end of the fifteenth century, Europe stood on the edge of a religious revolution which was to have a great influence on the development of colonies in the New World. The two leading movements in that revolution were Lutheranism and Calvinism. Lutheranism had its inception in 1517 in the protests of Martin Luther against certain abuses in the Catholic church. Not many of the early Lutherans came to America, and the movement was important to American history chiefly as precipitating the religious conflict and establishing certain principles of Protestantism from which later Protestant ideas developed logically. Calvinism was the original product of the mind of John Calvin¹ and has had a leading part in determining the direction of the currents of American thought ever since. From Luther's and Calvin's ideas most Protestant beliefs have been derived, in one way or another, and the whole revolutionary process produced actions and reactions which brought a series of wars. The squabbles and wars themselves promoted emigration to America as a way of escape from European turbulence and turmoil.

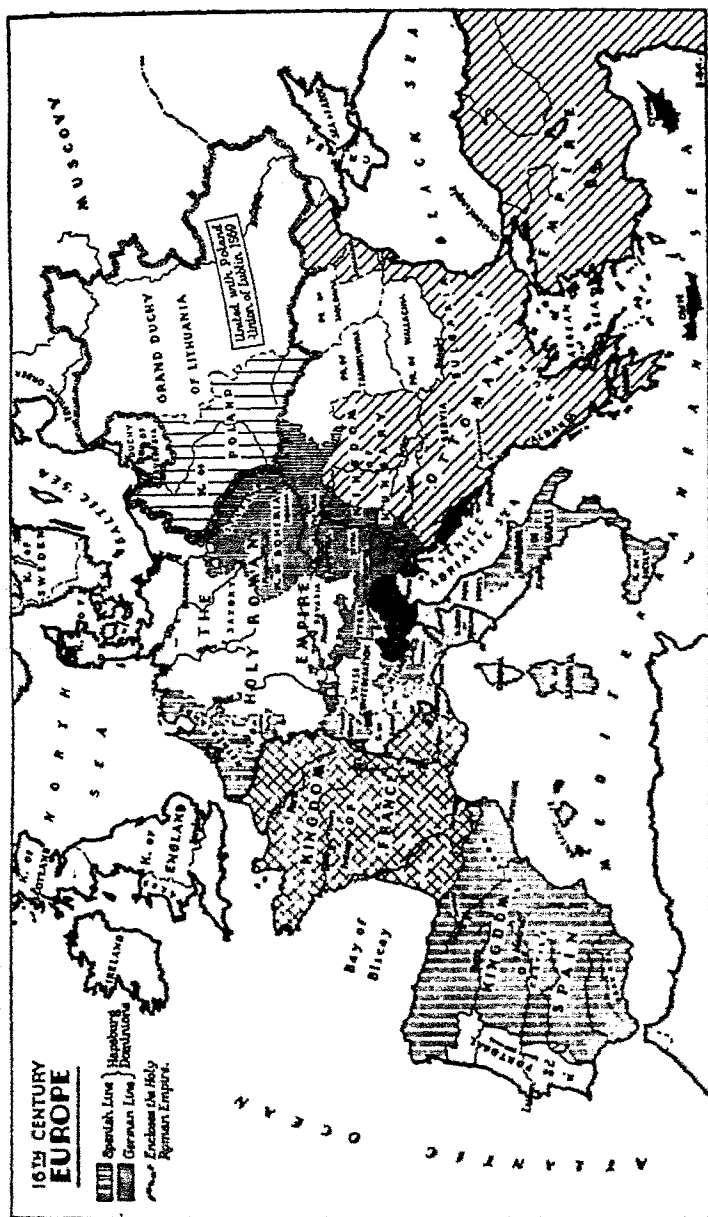
The National States. From the thirteenth to the sixteenth century, certain nations—notably Portugal, Spain, France, and England—were emerging as unified national states under the single headships of their respective kings. The kings rose to such positions by elevating themselves over their feudal vassals and by consolidations of their territories. In this rise they usually had the help of the businessmen who provided the funds, and, in return, the kings protected and supported the expansion of trade and commerce by their own subjects.

DISCOVERIES AND DEVELOPMENTS

Following earlier Portuguese voyages and navigational advances, Spain, using the skill and courage of Atlantic seamen as typified by Columbus, discovered and with Portugal rapidly began to exploit two previously unknown continents.

Exploration of the Atlantic Basin. In the late Middle Ages brave and able seamen of many nations explored the eastern shores of the Atlantic Ocean, until Portuguese sailors succeeded in reaching Asia by sailing around Africa. The climax of the Age of Exploration was the discovery of America by Christopher Columbus (1492).

¹ On Calvinism in America, see pp. 69f.



In the generations following Columbus, the New World became steadily better known through the visits of many explorers from western Europe.

THE WORK OF THE PORTUGUESE. Under the guidance of Prince Henry (1394-1460), who founded a school of navigation, the Portuguese took the lead in collecting geographical information and in improving seamanship. Devoting themselves to a search for African wealth, for Prester John, and for an African route to the Indies, they pushed south along the coast of Africa in successive expeditions, discovered and occupied many Atlantic islands, rounded the Cape of Good Hope under Bartholomeu Diaz in 1488, and finally reached India by sea in an expedition commanded by Vasco da Gama in 1498.

SIGNIFICANCE OF PORTUGUESE CONTRIBUTIONS. The discovery of America was no isolated cataclysm, but was a natural climax following a long series of maritime events. The improvement of ships, the colonizing experience in the Atlantic islands, the skilled seamanship developed by the men who made the long African voyages, the adaptation of the astrolabe to seafaring, the accurate charts—all these things were necessary to Columbus and his successors, and to all of them the Portuguese contributed very much.

"ADMIRAL OF THE OCEAN SEA." After vainly asking help in many places, Christopher Columbus, an Italian, succeeded in persuading King Ferdinand and Queen Isabella of Spain to finance and outfit an expedition to sail to Asia by steering west across the Atlantic. While the sphericity of the earth was common knowledge among educated men, the size of the earth was much debated and Columbus thought it considerably smaller than it actually is. His calculations placed Japan at about the position of Florida, an error which encouraged him to undertake what would otherwise have been a foolhardy voyage. His motives were mixed. He hoped to open a sea route to Asia, an accomplishment which would enrich him and his descendants. He wished to carry Christianity to the Far East. And, as previously said, part of the wealth he might acquire was intended to finance a new crusade against the Mohammedans of the Holy Land. To these ends, his agreement with the Spanish crown included clauses which granted him a share in the wealth to be discovered, and which promised to confer on him the hereditary title of "Admiral of the Ocean Sea."

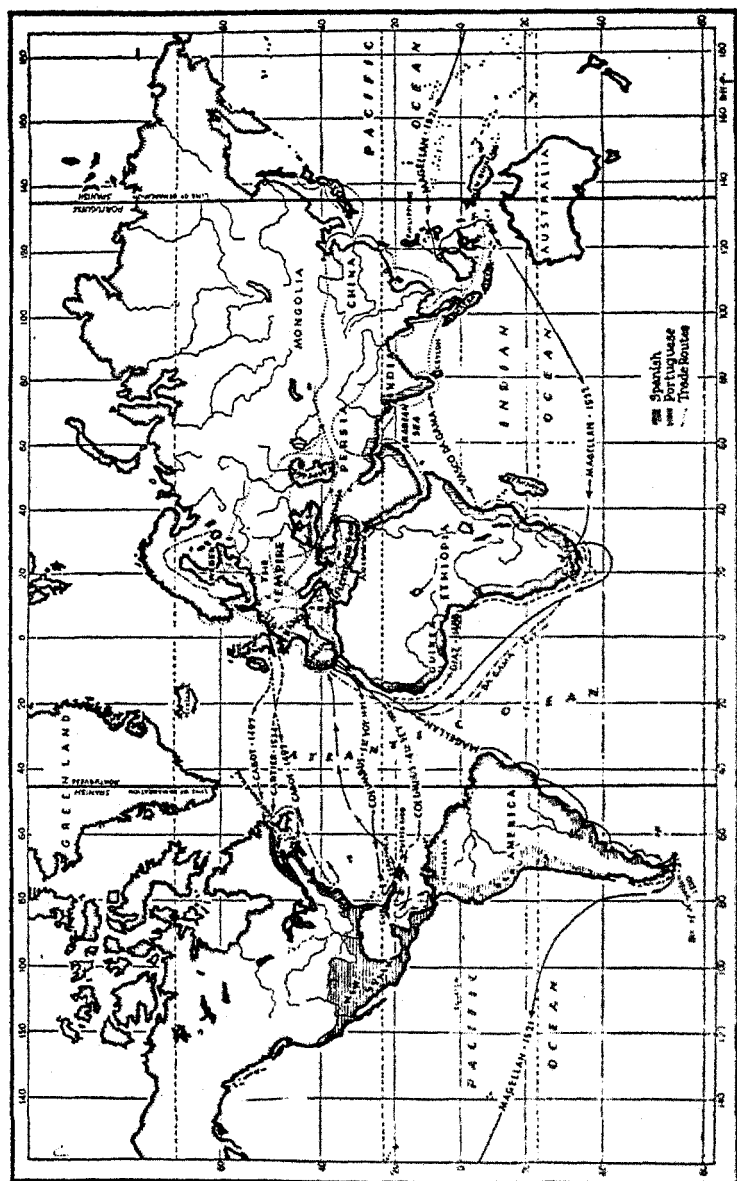
THE DISCOVERY OF AMERICA. With a square-rigged ship (*Santa Maria*) and two caravels (*Pinta* and *Niña*) officered and manned by experienced seamen, Columbus dropped south along Africa until he picked up the southeast trade winds. These carried him due west

on a physically easy but psychologically difficult passage from the Canary Islands to a new world, where land was made out on October 12, 1492. Neither Columbus nor his mates were aware that it was a new world; and the Admiral, after three more voyages, died still believing that he had found the Indies.

OTHER CLAIMS TO THE DISCOVERY. At least fifteen claims to the "discovery" of America before the Columbus voyage have been put forward; and some may well be valid. Chief among the alleged discoverers are Scandinavian, Irish, and Portuguese sailors. Positive evidence supports the claim of Scandinavian discovery about the year 1000 as part of a Norse wave of expansion and conquest which carried the Norsemen in their long ships into most parts of the tenth- and eleventh-century world. But there is no real evidence to support the hypothesis of an Irish visit or to support the Portuguese claim, although it is not impossible that one or more expeditions did see America before 1492.

SUCCESSORS OF COLUMBUS. In the half century after the first voyage of Columbus the coasts of the American continents were explored by men who were, in most cases, trying to sail through or around the continents in order to arrive at Asia. Others were looking for various forms of wealth. John Cabot, an Italian in the service of England, sailed to an unidentified part of northeastern North America in 1497, making a daring voyage of which little is known. Pedro Alvares Cabral on his way to India in 1500 by way of the Cape of Good Hope took possession of what we now call Brazil, for the Portuguese. About 1500 and 1501, it is thought, the Corte-Real brothers of Portugal visited Newfoundland. In 1507 a German geographer suggested that the new lands be named "America," after a Florentine merchant, Amerigo Vespucci, who had written a widely read account of a visit he had made in the company of a Spanish navigator named Ojeda. In 1513 the discovery of the Pacific Ocean by Balboa, who led an expedition across the isthmus of Panama, confirmed the fact that the new world was not Asia. In 1519 Magellan led out an expedition from Spain; although Magellan was killed on a beach in the Philippines one of his ships returned, having circumnavigated the earth for the first time in the world's history. Verrazano (1524) and Jacques Cartier (1534-1542) explored eastern and northeastern North America for the king of France.

The Portuguese Empire. The Portuguese developed a great trade in the parts of Africa and Asia which they had explored. Generally they had no need or desire to "colonize" a region in order to



Early European Explorations and Claims

develop its wealth, because they met native businessmen wherever they went in Africa and Asia; and at each overseas place all that they needed were a warehouse, a barracks, and a residence. However, the land of Brazil in South America was parceled out in "captaincies" (as had been done earlier by the Portuguese in the Azores) for permanent settlement.

Division of the New World. Pope Alexander VI divided the new area of expansion between Spain and Portugal by a "Line of Demarcation" which lay so far east of America as to give Spain a great advantage. A readjustment was made by the Treaty of Tordesillas (1494), which drew the line farther west and caused Brazil to fall in the Portuguese zone. This treaty was the first treaty which had the Americas as its subject. The nations which were not included in this agreement paid little attention to it. In the next two hundred years there was a series of colonial rivalries which resulted in the slow growth of certain principles generally (but not always) accepted as governing the relations of the new empires. Among them were the following: (1) A nation might bar other nations from its own colonies. (2) The seas were free to all. (3) International agreements which bound in Europe did not necessarily bind elsewhere. (4) Land effectively occupied belonged to the sovereign of the occupying nation. (5) Land not occupied by a Christian ruler was open to colonization by any nation.

The Spanish Empire in America. By 1574, the Spanish had explored most of what is now called Latin America, and had planted two hundred settlements with 150,000 settlers.

THE SPANISH COLONIAL SYSTEM. Drawing on the earlier experience of the Genoese and Portuguese, and on the lessons of their own colonization of the Canary Islands, the Spaniards abandoned their original plans to trade with the "Indians" and developed a distinctive colonial system based on mining and on agriculture, which was carried on in great estates called *encomiendas*. Because the Indians were in a higher stage of culture than most of those north of the present nation of Mexico, they could be assimilated into the agricultural system and were not exterminated or segregated in reservations. The social effect of the Spanish colonial system was to displace the native ruling class and to put the Spanish in control. The occasional harshness with which Indians were treated, and their enslavement, were in part offset by the zeal of a large number of missionaries who were supported at crown expense and who Christianized a majority of the Indians. The society of Spanish America

was a hierarchy. Its business life was directed by monopolies which were closely regulated by the government.

SPANISH EXPANSION, 1492-1600. The first Spanish settlement in America was that of Columbus in Hispaniola (now the Dominican Republic). In the following century Spain and Spanish culture became strongly rooted in Mexico, Central America, and South America. Explorers also saw much of the land within the present limits of the United States. DeSoto marched through the southeastern quarter, discovering the Mississippi River and dying in the wilderness. Coronado explored much of the southwest as far east as Kansas. Menendez founded the first permanent city of the United States, Saint Augustine, Florida (1565).

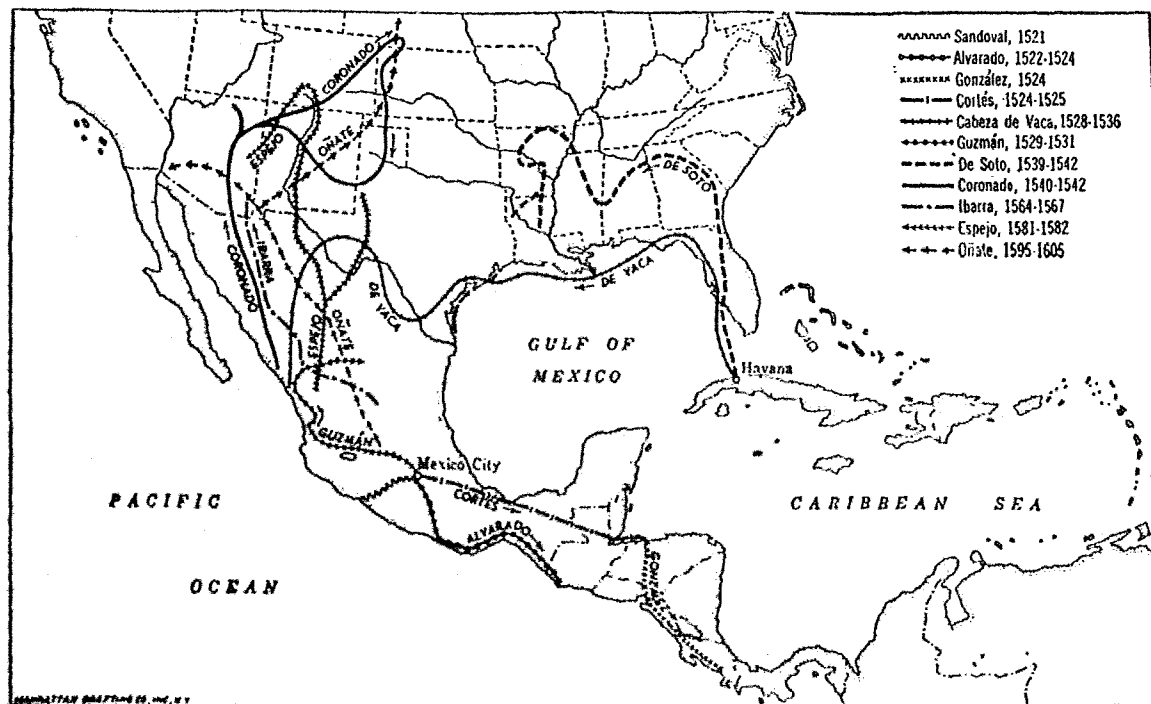
RESULTS OF SPANISH ACTIVITY. By the end of the sixteenth century a Spanish-American culture was forming, with its own universities, scholars, authors, presses, scientists, and saints. As American wealth flowed into Spain in a river of gold, Spain became first among world powers. But in the last quarter of the century she began to feel the press of rivalry, particularly from the British.

NEW SPAIN IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES

Although Spain's European holdings contracted in the seventeenth century, her New World holdings enlarged. Northern Mexico and Lower California were occupied, and missions were established in Florida. While gaining in the west, her expansion was blocked in the eastern part of North America by the English settlements; and her unoccupied West Indian islands were settled by the English and others. In the eighteenth century, Frenchmen penetrated the lower Mississippi valley, the Gulf of Mexico region, and Texas—while the establishment of Georgia and French Louisiana were further restrictions on the Spanish claims. In the west, Spanish pioneers pushed north into Arizona, New Mexico, and Lower California. Then, by the Seven Years' War, Florida was lost (compensated for by Louisiana, west of the Mississippi). On the Pacific coast the Russians were trading south from Alaska, and Spain moved into California in reply, settling as far north as San Francisco by 1776.

SUCCESSORS TO PORTUGAL AND SPAIN

When the richness of the Americas became widely known in Europe, the Portuguese and Spanish were followed by French, Dutch, and Swedish explorers, settlers, and businessmen.



From The Development of Hispanic America by A. Curtis Wilgus; reproduced by permission of Rinehart & Company, publishers.

Land Explorations in Northern Latin America in the Early Colonial Period

The Establishment of New France. From very modest beginnings, and after several colonial failures, the French established a wilderness empire in Canada, where they were mainly interested in the fur trade and in Christian missions to the Indians.

THE FRENCH FISHERMEN. French beginnings in America were dramatized by no hero, well-known tragedy, or early climax. Obscure, and for the most part unknown, fishermen and fur traders did the work. The fishermen came in petty expeditions sent by small syndicates to fish off the Canadian coasts and on the banks off Newfoundland, beginning before the year 1530; and they have continued to do so ever since.

THE BRAZIL AND FLORIDA SETTLEMENTS. The first attempts of Frenchmen to settle permanently in the Americas were failures. French Calvinists settled in Brazil in 1555 but were ejected by the Portuguese in 1560. In 1564 other French Protestants settled in Florida overlooking the Gulf Stream route used by the eastbound Spanish treasure fleets. There they were set upon and killed by Spaniards under command of Menendez in 1565.

CHAMPLAIN. One of the many small corporations which succeeded one another in French royal monopolies for the exploitation of Canada engaged the services of Samuel de Champlain, who was among the first Frenchmen to realize the potentialities of New France. He explored the St. Lawrence basin and founded Quebec (1608). Quebec became the political and religious capital of New France and the base from which traders, soldiers, and missionaries extended their influence for a century and a half.

NEW FRANCE. The economic foundation of New France was the Indian fur trade, for which royal monopolies were granted consecutively to 1673. Nevertheless, there was almost always a lively illicit fur trade conducted by unlicensed forest rovers who used brandy as currency. This trade was strongly opposed by the missionaries, since many traders had no compunction about debauching and swindling the Indians for profit. There was never a large migration of the French to Canada and the Indians were usually left in control of their fields, streams, forests, and lakes. The story of the French missionaries is a thrilling and heroic one, although the results of their work were not statistically impressive.

The Dutch in New Netherlands. In 1626 the Dutch West India Company founded New Amsterdam (later "New York") on the Hudson River, which had earlier been explored by Henry Hudson (1609) as a possible strait leading to China. The colony of New

Netherlands existed as a base from which to prey on the American colonies of Spain, the traditional enemy of the Dutch, and as a center from which to expand a trade in furs with the Indians. Because of its excellent harbor the colony had a great future ahead of it, but the company always neglected it and its unpopular government was mismanaged by a succession of badly chosen governors.

New Sweden. Emulating the Dutch, Swedish interests established a colony on the Delaware River in 1637. Sweden was then impoverished by wars and distracted by European politics and gave little support to the tiny colony. After years of being neglected almost to the point of being ignored, the small garrison offered no resistance to the Dutch of New Netherlands, who annexed New Sweden in 1655 to put an end to fur competition in the upper valleys.

THE BRITISH BACKGROUND

The British colonies of North America were founded for mixed economic and religious motives by private corporations and proprietors, as the British people rose to a dominant place among seafaring peoples through the ability and audacity of the Elizabethan "sea dogs."

British Overseas Interests. Although English action in planting colonies overseas came relatively late, it had long been urged by writers and by leading public men. A variety of reasons were put forward in favor of overseas ventures. Some of the motives were more strongly held than others.

THE ENGLISH "CAME LATE." There was no permanent colony of English-speaking people in America until 115 years after the first voyage of Columbus, when Spain had passed the peak of her world power and influence. In the two centuries after 1400, England's political energy was spent in quelling the internal disorders which are sometimes grouped under the name of the "Wars of the Roses." The Tudor monarchs who came to power in this era busied themselves in centralizing their government, and then engaged in a long war with Spain. During this time their foreign interests were primarily in Continental Europe rather than in the transatlantic world. Until the reign of the last Tudor, Queen Elizabeth (1533-1603), who became queen in 1558, England was poor in comparison with Continental neighbors, her surplus wealth was scanty, and her trade was largely carried on by foreign merchants. Owing to her self-isolation from Latin Christendom, Tudor England had no Renaissance missionary history comparable to that of Spain or France. And when the English finally began to be interested in the world beyond

Europe, their first efforts were to search for a northeast passage (north of Europe) or a northwest passage (north of America) to the Far East.

THE ADVOCATES OF EXPANSION. The idea of extending British trade and power to America was vigorously publicized and promoted. Richard Hakluyt (1552?-1616) compiled *The Principall Navigations, Voiages, and Discoveries of the English Nation* (1589). Leading public men urged expansion, among them Sir Humphrey Gilbert (1539?-1583) and Sir Walter Raleigh (1552?-1618), Gilbert's half brother and heir, who sponsored three Virginia expeditions and other overseas ventures.

MOTIVES FOR EXPANSION. According to the popular economic theory of the day, a large supply of ready gold was essential to the power of a nation; and it was urged that America might supply England's want of precious metal, just as it had supplied that of Spain. Plantations abroad might produce raw materials which England then obtained from infidels or from doubtful friends (such as the Spanish). With gold and plantations, England would become self-sufficient economically and would have greater international prestige. Savages in America might be converted to Protestant Christianity. America would provide an outlet for the surplus population of England. Of all these motives for a transatlantic program, the missionary argument and the dubious theory that England was overpopulated were probably the weakest. Economic self-sufficiency for England and private profits for promoters were the strongest considerations in the minds of the pre-settlement publicists.

ENGLISH ECONOMIC CHANGES. In the economic history of England from 1400 to 1600, certain changes should be noticed which favored or made possible the foundation of the British empire. The decline in the power of the nobility and the subordination of church to state left gaps in the social strata into which middle-class businessmen elbowed their way. The enclosure of common fields and the distribution of church lands among private owners stimulated sheep raising and the woollen industry. Exports of wool led to an accumulation of surplus wealth. The existence of surplus wealth brought a need for continuous investment, and much of the capital sought an opening into foreign trade. The men who were interested in participating in foreign trade perfected the "regulated company" type of operation as an organization in which they could work together. The regulated company evolved into the "joint-stock company," which was used in the colonization of America. Thus England became a country

where businessmen were influential and had capital to invest in companies with overseas interests. Typical of leading overseas projects were the Muscovy Company (1555), for the exploitation of trade with Russia, and the East India Company (1599), which traded with India.

Elizabethan Sea Dogs and Pioneers. The glittering possibilities of the New World were dramatized for Englishmen by the extralegal enterprises of seamen who looted the Spanish empire in America. Attention was attracted also by the attempts of men to plant colonies in America, using only their own resources. Although some of the earlier colonies were flat failures, they were useful because they taught geography to the English and gave them an understanding of the problems of colonizing.

ANTI-SPANISH VENTURES. Among many British seamen who raided Spanish commerce and colonies, two stand out because of their effect on the imaginations of their fellow Englishmen. Sir John Hawkins traded in slaves, from Africa to Spanish America, in the 1560's. His trade was illegal, but he followed it more or less peaceably until trapped by the Spanish in the harbor of Vera Cruz in 1567. Sir Francis Drake raided the Spanish West Indies (1570-1572), and, on a later voyage, took prizes and spoils along the Pacific coast of the Americas as far north as California. From California he sailed home around the world (1577-1580) and was knighted by Queen Elizabeth.

GILBERT AT NEWFOUNDLAND. In 1583 many-sided Sir Humphrey Gilbert took possession of Newfoundland in the name of the Queen, but colonizing plans did not mature since he was lost at sea during the return passage.

RALEIGH'S AMERICAN VENTURES. Sir Walter Raleigh, courtier, historian, admiral, poet, explorer, and promoter, organized or was responsible for three expeditions to America. His men called the land they visited "Virginia." The "lost colony" of Roanoke Island was one of these enterprises. It was planted in 1587 and disappeared before the arrival of a supply ship in 1590.

THE SPANISH ARMADA. The activities of the English in Spanish America may have been patriotic or heroic to the English, but to Spain they were simple criminal acts, to which Queen Elizabeth was accessory. Hence the Spanish crown resolved to eliminate England as a rival and a constant source of irritation. Spain at that time appeared to be the richest and most powerful political unit since the Roman empire. She sent a great fleet, the Spanish Armada, into British waters; but it was repulsed in a long running battle (1588). The British vic-

tory was owing to superior British seamanship, naval organization, and naval architecture, although the Spanish force was more numerous in both men and ships. The British had more easily maneuverable ships and these were commanded by competent seamen, whereas the Spanish used ships as floating forts and their sea fighting was often entrusted to soldiers. From this time, England steadily drew ahead of all rivals as the principal sea power of the world.

Religious¹ and Social Factors. The tensions of English social life were meanwhile working to provide reasons for emigration, when emigration became possible. England's part in the Protestant revolution had been the secession of the Church in England from the Catholic church, which was led by King Henry VIII, and the consolidation of the Church of England as a national church under his daughter, Queen Elizabeth. To attract as many believers as possible, the Church of England tried to follow a compromise "middle way," which satisfied neither Catholics nor extreme Protestants. The religious uniformity which was enforced by the government in the interest of the Church of England caused persecution and political disabilities to be applied against both Catholics and dissenting Protestants. Some of the most influential colonists were to come from Protestant groups which objected, in conscience, to conforming to the Church of England. And to many members of the lower economic classes, England seemed to be governed by and for the great landholders and businessmen and appeared to offer no hope of material security or prosperity for anyone else. To these people, the assured and independent existence of a farmer of the fertile fields of America was to be the greatest single inducement to emigrate.

The Agencies of Expansion. Unlike the kings of some Continental nations, the monarchs of England needed the consent of their nation's Parliament to raise money for unusual purposes; and therefore they did not have any large unassigned funds which could be used for colonizing, if so desired. For that and other reasons, the British colonies of North America all were begun as private ventures, although most of them had the consent of the government. Regardless of the immediate needs or desires of investors, the scrutiny of the government guaranteed that new colonies were somehow related to broad national aims. For example, all colonies were forbidden to make laws which were contrary to the laws of England. Although it is usually taken for granted, it is worth remembering that no important group of

¹ The leading theological differences which affected American colonial life are outlined in Chapter VI

Englishmen in this period openly sought to settle themselves beyond and outside the influence of the chief executive of England, whether king, queen, or protector. Secession from the empire waited for later generations.

TYPES OF COLONIAL ENTERPRISE. There were three principal groups in the English population who were interested in colonization when the chance to colonize came. First, there were the self-provident middle class who paid their own way and who formed corporations to capitalize colonization projects in which the poor could also participate by going to America under the auspices of the corporation. Second, there were the rich who had money to invest but who did not wish to go to America themselves. These invested in the colonizing companies or secured proprietary grants and financed the transportation and settlement of people who could not otherwise afford to go to America. Third, there were people who wished to go to America but had no money. Some had their passage paid for them by men who received land according to the number of people they brought. Others went under contract to work out the cost of passage after arrival. And others were shipped out by proprietors to build the population of their vast wilderness tracts and to repay the financiers with "quitrents" to eternity.

PROCURING CAPITAL. Capital to finance these enterprises was acquired in many ways. The corporations sold shares in their ventures. Some expenses were met by the profits of lotteries. Some proprietors used the land itself as a fund to finance emigration, by sale or by grant to lesser promoters. Other great proprietors joined with a few associates to risk parts of their own fortunes in developing a wild country.

FEUDAL SURVIVALS. The colonial grants in general, and the proprietorships in particular, often contained provisions which represented ideas and policies dating back to the thirteenth century. The grants of authority to many proprietors made them little kings and were given as of the medieval "palatinate of Durham," a diocese on the Scottish frontier where the bishop exercised unusual authority as a temporal lord in order to act as chief of a petty buffer state. Most proprietors expected to profit from "quitrents," which had originated as cash payments accepted in commutation of various feudal services owed to a lord by his vassal. Colonial practices of hereditary succession to property often followed the aristocratic principles of "entail" and "primogeniture," which were intended to guarantee the transmission of great fiefs from heir to heir, undivided and unsold. The aristocratic

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theory supporting this practice assumed that it was desirable to maintain the continuity of great families with wealth and power enough to carry out their feudal obligations, but the principle was meaningless in America.

Preliminary Work. Beginning with the expeditions, colonizing attempts, and publicity of Gilbert, Raleigh, and other pioneers, knowledge of the eastern coast of North America became increasingly more accurate and widespread. Gosnold, Pring, and Weymouth explored it and aroused the interest of Sir Ferdinando Gorges and Sir John Popham, planters of an unsuccessful colony in Maine in 1607. Captain John Smith, who deserves to be remembered for more than the Pocahontas story, mapped New England and propagandized for it from 1614 on. French and Dutch seamen also visited and described the eastern coast.

North American Geographical Features. The course of colonial settlement and the growth of colonial American culture were affected by certain geographical features. The Atlantic Ocean provided a barrier which made settlement difficult and made settlements isolated when once planted. A shallow continental shelf provided great fishing banks which attracted fishermen before settlers. The location of the West Indies in the prevailing westerly winds made them more accessible from Europe than was North America. The Atlantic coast of North America was broken by innumerable harbors, bays, and tidal rivers, all useful to colonial mariners; and behind the coast lay fertile valleys where, despite differences from Europe in climate and soil conditions, European agriculture could be adapted to support American life. The warm and humid West Indies produced a society which based its economic life on tropical products, particularly sugar.

TOPICS FOR FURTHER STUDY

1. Why is it customary to begin the study of European history with the history of Greece?
2. It has been said that "the first century of American history (from 1492) is properly a part of the history of the Renaissance." After defining the word "Renaissance," comment on this statement.
3. Was Columbus looking for Asia or for a new land?
4. What part of America did the Norsemen visit?
5. Describe the organization and methods of agriculture in Spanish America.
6. How did the French conduct the fur trade of Canada?
7. To what extent was religion a motive in the expansion of: (a) the Spanish empire? (b) the French in Canada?

8. Explain how a "regulated company" and a "joint-stock company" differed.
9. What were some common types of land tenure in medieval England?
10. Write an account of the life of one of the following: Sir Francis Drake, Sir Humphrey Gilbert, Sir Walter Raleigh.

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Significant Dates

Virginia	1607
Plymouth	1620
Massachusetts Bay	1629
Connecticut	1635
Rhode Island	1636

CHAPTER II

THE ENGLISH COMMERCIAL AND "COLONIAL" COLONIES

In the years from 1607 to 1732, thirteen English colonies were founded along the Atlantic seaboard of the present United States. Although the origins of no two were exactly alike, they can be classified according to the motives of their founders or the forms of their enabling charters as "commercial," "colonial," and "proprietary." There were many more attempts to colonize than are usually studied, and most attempts failed. The Atlantic seaboard was England's "wild west," and the first jump across the sea was the hardest step of all in the westward migration of peoples which has resulted in the formation of the United States. Virginia, Plymouth, and Massachusetts Bay were founded by men who used the form of commercial corporations. They were not all primarily interested in profits, but the corporate form had become well known as a convenient device for overseas operations and they adapted it to their own uses. The striking novelty of their movement was that it was a migration of families for reasons other than business or the exploitation of wealth. Connecticut

and Rhode Island were similar except that they were chartered after settlement, and hence can be best described by the somewhat awkward term "colonial."

VIRGINIA

Virginia was a project of the Virginia Company, chartered by King James I in 1606. Its members were divided into two subsidiary groups, the London Company and the Plymouth Company. The London Company, which was given a monopoly of the coastline between the thirty-fourth and forty-first parallels of north latitude, sent out its first expedition in 1607. In its origins Virginia differed hardly at all from earlier attempts of interested groups to colonize on the Amazon, in Guiana, and in Newfoundland—except that these failed whereas Virginia succeeded.

The Founding. Virginia was first settled at Jamestown, in 1607. There the leaders of the expedition went against their instructions and located their settlement on a malarial site, where two-thirds of the inhabitants died in the first eight months. At the beginning, the settlers suffered from malnutrition, malaria, and ship diseases brought in by newcomers. The early history of Virginia is the history of a transition from a sickly commercial station to a successful agricultural province. The original settlers had agreed to divide their produce; but, since communal profit sharing offered little incentive to soft-handed gentlemen unused to manual labor, the co-operative plantations failed. Plantations owned by absent capitalists also failed, and in the end only private plantations flourished in Virginia. The population for the most part was made up of middle-class Englishmen, with a rare knight or so and an occasional younger son of a titled house. After a "starving time" and after much suffering from disease and from the hostile attentions of neighboring Indians, Virginia became a successful agricultural community. Its success was due equally to forceful leadership, exemplified by Captain John Smith, and to the cultivation of tobacco as a staple crop which provided a regular income from Europe, where smoking became a fad despite the moral and medical objections of abstainers. John Rolfe was the first planter to see its possibilities. In the end the success of the planters was greater than that of the company at home. Despite the grant of two new charters (1609 and 1612), the company was unable to achieve its commercial purpose and by the 1620's many stockholders had lost interest and the company was—in modern terms—on the verge of receivership. Lacking profit, guidance, support, and efficiency, the few interested members were

unable to prevent the king from taking over Virginia as a royal colony in 1624. The demise of the company was not unpopular in Virginia.

The House of Burgesses. The company's principal legacy to the new colony was the House of Burgesses, founded in 1619 according to instructions to the then Governor George Yeardley, who was authorized to call an annual assembly. After the conversion of Virginia to a royal colony the Burgesses continued to meet and to enact laws, although neither encouraged nor hindered by the indecisive crown. The House was composed of two members from each electoral unit. It made its own rules of procedure and levied taxes. Until the 1660's it was also a court of justice, its judicial work being carried on by a joint committee of the Burgesses and the governor's council. One should not think of the House of Burgesses as a democratic institution, since there was no keen interest in lawmaking among the people generally at the time. In its earliest form it was more like a medieval assembly of communes than a modern house of commons, but it was the first institution in America capable of developing into an organ of republican government. After the first election, only landholders were permitted to elect Burgesses. The saving feature was that Virginia was a long way from London and that the Burgesses were free to develop into the republican institution they later became.

Indian Troubles. Although the Virginia Company started out to purchase land from the Indians rather than to seize it, relations with the several thousand neighboring Indians deteriorated rapidly and became hostile in the first years. After Pocahontas allegedly saved John Smith's life she was taken to Jamestown, where she married John Rolfe in 1614. From that time until the death of her father, Powhatan, in 1618, the relations of Indians and whites were friendly; but Powhatan's successor, his brother Opechancanough, was hard to get along with and he saw that the spread of settlement was bound to drive out the game. The Indians conspired in 1622 to massacre all the whites at once, and might very nearly have succeeded except for a traitor among them. (The sensation created in England by the massacre was one reason for the revocation of the company's charter.) War continued for several years until the whites adopted the practice of destroying the standing corn in the Indians' clearings. In 1627 another general Indian attack was rumored but did not come off. In 1644 three hundred whites were killed in an Indian rising. There was no later Indian war until the 1670's.

Relations with France and Spain. Neither France nor Spain recognized England's right to settle in North America, and relations

among the colonists of the three powers were not friendly in America. In 1613 Sir Samuel Argall sailed from Virginia and destroyed French settlements on the Maine coast and in Nova Scotia. As for Spain, her ambassador in London had a spy in the royal council and one even in Virginia. The Spanish king's advisers urged him to uproot the Jamestown settlement, and he did send a ship in 1611 to reconnoiter the Chesapeake; but in the end he did nothing, probably believing that the settlement would die or that its "trespassing" was not important enough to justify risking a war with England.

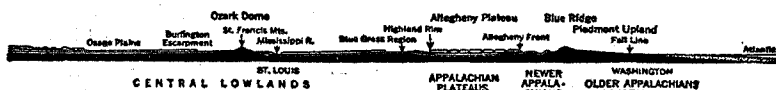
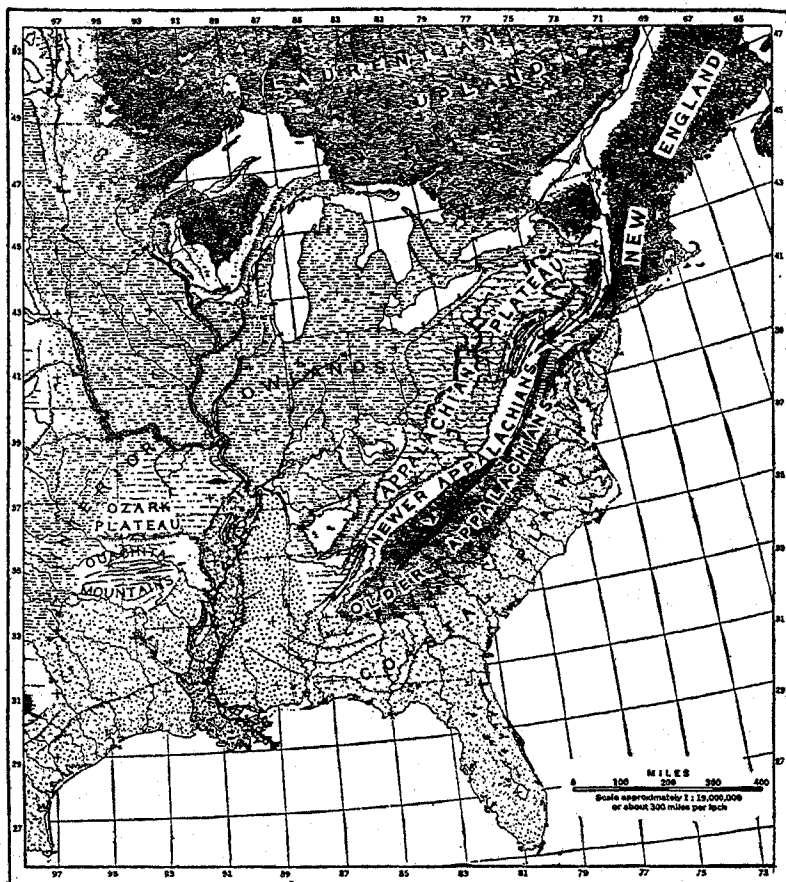
Virginia Lessons. The experiences of the Virginia settlers pointed to three conclusions. First, to be successful a colony must raise its own food. Second, such a colony must be based on family life, not on adventurers who stood in constant need of relief from home and sent no salable produce to the European markets. Third, the proper incentive to successful management of the natural resources was private ownership of land.

PLYMOUTH

The group of colonists best known to Americans today is the group which settled at Plymouth in 1620, known familiarly as the Pilgrim Fathers, whose courage and persistence are, we like to think, part of the American heritage.

Their Origins. The original "Pilgrims" were a separatist congregation of Scrooby, England, who emigrated to Leyden, in the Netherlands, in 1609. Leaders John Robinson and William Brewster were university men; the others were simple country and village folk. Their best-known leader was William Bradford, who was elected governor of the colony thirty times. Materially they did well in Leyden and they had complete religious freedom, but they feared that their children would become Dutch and they also feared a resurgence of Spain's power in the Netherlands. Therefore they resolved to go to America, and thought of Guiana, the Hudson valley, and Virginia. Eventually deciding upon Virginia as the best place, they interested London capitalists in forming an overseas corporation. The king refused to grant them formal religious toleration in his dominions but promised not to bother them. Not all the English separatists of Leyden went with them; in fact, after recruiting had been done in England it turned out that a majority of the emigrants were strangers from London or Middlesex. So the Pilgrims, in trying to escape a disorderly world, brought disorder with them.

Migration and Settlement. They sailed in the chartered ship *Mayflower* at the end of summer in 1620 and made a stormy passage, their first landfall being Cape Cod. On November 21, 1620, they went ashore, in circumstances more desperate than even they thought,



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Physiographic Diagram of the Eastern Half of the United States

to face unknown beasts, savages, and a New England winter. The story of their frequent hardships and occasional good fortune is known

to all Americans. Their patent of Virginia lands was obviously not valid here, but the Council for New England (successor to the Plymouth Company) gave them a patent as a good proof that the land was habitable. In 1623 they gave up holding land in common, and in 1624 the merchants who had financed them stopped sending supplies because no profit had been shown. The partnership with the London merchants was dissolved three years later, and the Pilgrims were thenceforward on their own resources entirely. They then began to trade on other parts of the coast, having several posts, including one on the Kennebec River. They paid off their debts by 1648.

The Mayflower Compact. Being beyond the limits of any known government, the Pilgrims before going ashore made their famous covenant with one another, called the "Mayflower Compact." By this agreement they consented to be bound by their own laws. It was a success because they were far enough from England and from any other colony to be unmolested in solving their own problems. The document itself was a civil version of the form of a church government and was, in effect, a plantation contract providing local self-government. They never received a charter of their own, although they tried to secure one. Their government spread over three counties and, in later days, they copied many policies from Massachusetts Bay.

Relations with Neighbors, Red and White. The Indians of the place had been almost wiped out by disease in the previous three years. Other near-by Indians were either befriended or cowed by shows of force carried out by Miles Standish and his squad of musketeers. The people of Plymouth got on well with their white neighbors with the exception of merry Thomas Morton "of Clifford's Inn, Gent.," who maintained a trading post near-by at Mare-mount, or Merrymount. Morton offended them, both by his revelry and by arming the Indians with whom he traded; and Standish was sent, successfully, to drive him out of the country.

Influence and Achievement. These "Pilgrim Fathers" had no permanent influence on American society of any sort which can be measured. Apart from their edifying example of fortitude, their principal achievement was to subsist as an independent political unit from 1620 to 1691, when they were absorbed into Massachusetts Bay.

MASSACHUSETTS BAY

The largest and most influential of the New England foundations was Massachusetts Bay, settled by serious-minded Puritans whose

colonizing activity was more systematic than the work of most of the early groups of founders.

The Dorchester Adventurers. Many Englishmen fished off the Atlantic coast of America in the 1620's. Each summer's fishing voyage required two crews, one to fish and to rebuild and maintain a shore base for drying the catch, and the other to man their ship. John White thought a permanent colony of fishermen could guard the fishing gear, maintain the base, and grow food for the summer fishing trips—as well as support a clergyman. Accordingly, he and a large number of well-to-do west country Puritans in 1623 secured a patent for such a fishing station on Cape Ann, under the name of the Dorchester Adventurers.¹ In 1624 they set up a base at present-day Gloucester, but the fishermen did not care to farm and they disliked the New England winter. Consequently, the company failed in 1626; and Roger Conant led thirty or forty people from Gloucester to the site of Salem, which they chose as being a better place for a trading post. Salem continued as one of the principal trading centers of New England and was noteworthy for puritanical rigorism in a rigorist age. Meanwhile John White worked to reorganize his group and, in 1628, joined with a number of Puritans from eastern England to found the New England Company, which in 1629 was granted a new charter and became the Massachusetts Bay Company.

The Cambridge Agreement. King Charles I, with Archbishop Laud, adopted a "high church" program from the Church of England; that is, he aimed to preserve and restore some of the liturgical practices of the Catholic church. The English Puritans objected to this and regarded it as a persecution of their group. Seeing no way to stop the "high church" movement, many cast about for a way of escape. The Massachusetts Bay Company appeared to be the best instrument for their purpose. Its charter passed the seals in March, 1629. In August some Puritans met at an inn in Cambridge and formulated the "Cambridge Agreement," whereby they undertook to go to America if the charter and government of the Bay Colony were transferred thither. In this way they intended to avoid interference in their affairs, even by their fellow Puritans. These men did not purpose to secede from the Church of England, but to "purify" from within. However, once in America and far from Charles and Laud, the Puritans developed a separatist tendency, accepting the king's protection but not his theology.

¹ The term "adventurer" was used to denote a person who risked or "adventured" his money in a business project.

Settlement and Growth. The founders of Massachusetts were an important group, wealthy and well educated. They sent a constant stream of relatively prosperous settlers to America. The advance party, in five ships, crossed the Atlantic in 1629 and wintered at Salem. The great wave of settlers came in 1630, assembling at Salem and then coasting to Boston harbor, whence they scattered into the present-day suburbs. Over a thousand came in that year and in the next twelve years from sixteen to twenty thousand more, who settled in a regulated frontier advance by which new towns were founded contiguous to older ones. The growth continued in this fashion until the English Civil War broke out. Many Puritans in England, expecting improved conditions there, remained at home.

The Massachusetts Charter and Government. The Massachusetts charter was less mercantile than the Virginia charters. Although it was in commercial form, its purpose in the minds of the founders was primarily colonization. The transfer of the charter (which specified no location for "the home office"—as it might be termed today) caused a great exposition of political theory in the next half century. From a trading corporation Massachusetts became a self-governing commonwealth on a religious basis. Although there was nothing in the charter to warrant this transformation, the leaders justified it on the ground that they were doing God's work. In 1631 they took the first step by restricting the status of "freeman"¹ to church members, a restriction which was in force until 1664. In this their behavior shows that they were willing to ignore any parts of the charter not suitable for a "Christian commonwealth." Meanwhile they had no surplus funds, so the governor and Court of Assistants (eighteen men) proceeded to levy taxes. Some of the residents protested against this, and in 1634 the freemen were authorized to send deputies to the company's "General Court" (we should call it a stockholders' meeting today). In the attempt to apply their principles to concrete situations, many people felt that the judges were uncertain, and to protect their rights requested a codification of the laws; this resulted in the issue of such a code in 1641, called "The Body of Liberties." After a quarrel, the "Sow Case," in 1644, the deputies and assistants divided into two houses. In 1648 they published an abridgment of their acts, as though these were statutes, under the title of *General Lawes and Libertyes*. Nonfreemen had

¹ The term "freeman" was of medieval origin, by way of trading companies which took over the nomenclature of the guilds. Men had to be "free of the guild" to carry on their trade.

stimulated the Dutch of New Amsterdam to erect a fort on the Connecticut River in support of a Dutch claim to the region. In the same year (1633) Plymouth men built a fort above the Dutch fort. Some Dorchester (Massachusetts) people jumped the Plymouth claim in 1635; and in the same year Saybrook was established by Puritan nobles as a possible retreat from their Caribbean venture (the Providence Company, 1630) and as a refuge if Charles I should drive the Puritans out of England. The big migration began that year when fifty people from Newtown (now Cambridge), Massachusetts, settled on the site of Hartford. In 1636 Newtown secured a commission from Massachusetts Bay to govern Connecticut, and the first government was in force. That spring the Reverend Thomas Hooker led thirty-five families from Newtown to Connecticut. It has been said that they left Massachusetts because its government was illiberal. Actually, they left because their land grant at Newtown was smaller than they wished. Secondary motives were that Hooker thought John Winthrop and his friends hypercritical beyond the limits of Christian charity, and also that Hooker had been engaged in a long and unpleasant dispute with John Cotton on the subject of sanctification. Above all, the valley land was fertile and the fur trade was brisk. By 1662 (before the merger with New Haven) fifteen towns had been settled in Connecticut.

The New Haven Colony. New Haven was settled by a group of London Puritans who wished to establish a trading post in America. They were led by John Davenport and Theophilus Eaton and settled the new land in 1638. It was always a weak colony. Its city people made poor farmers and quarreled among themselves. They were cramped for space, and Long Island Sound was partly blocked at each end by unfriendly settlers. Many were alienated in the colony because the franchise was limited to church members. Finally, they had no legal title to their land except that of Indian-purchase. In government it became a loose confederation of towns, integrated (but poorly) by a general court. The site was claimed by Connecticut; and New Haven submitted reluctantly to being absorbed by Connecticut in 1664, when faced with a choice of falling within the Duke of York's grant of 1664 or of joining Connecticut.

The Government and Charter of Connecticut. The earliest government of Connecticut was very similar to that of Massachusetts except that some men were admitted to political life even though not church members. It was early based on the "Fundamental Orders" (1638) and later continued under a royal charter (1662).

THE FUNDAMENTAL ORDERS OF CONNECTICUT. The basic political document of Connecticut consisted of a preamble and eleven carefully drawn statutes called "orders," adopted in 1638. Its principal safeguard, in a constitutional sense, was that the freemen could call an election if the magistrates failed to do so. Generally, the government thus established followed the Massachusetts model. Connecticut under the Fundamental Orders was not a democracy in the modern sense, and there was nothing important in its provisions which other colonies did not have. There is no proof that the example of Connecticut influenced constitution-making in America.

THE CHARTER. When the Stuart monarchy was restored in 1660, Connecticut had no legal claim which the king was bound to recognize. Accordingly, the popular John Winthrop, Jr., well known in England through his literary and scientific correspondents, was sent in 1661 to try to secure a charter. He succeeded in 1662, and Connecticut became a corporation with authority vested in governor and company (freemen). The charter was modeled on the Fundamental Orders and was thus a confirmation of the *status quo*. Connecticut found the charter so satisfactory that it was kept even after the American Revolution.

SPRINGFIELD. Springfield, now in Massachusetts, was originally thought of as a Connecticut town and was represented in the General Court in 1638. After a quarrel over trade it held itself aloof and by 1649 deputies from Springfield sat regularly in the Massachusetts General Court at Boston.

The Pequot War. The Pequot tribe of Indians, numbering at most about three thousand, lived on the northern shore of Long Island Sound. With the expansion of English settlement they became wedged between Rhode Island and Connecticut. In the spring of 1637 they were attacked by the Connecticut towns and destroyed or dispersed so that the few survivors took refuge with neighboring tribes.

RHODE ISLAND

Rhode Island was the most radical and interesting of the Massachusetts offshoots, being settled by exiled or irreconcilable people of Massachusetts.

Roger Williams. The leading figure in the founding of Rhode Island was Roger Williams, an extreme separatist, born of an upper middle-class English family, and a bachelor of arts of Cambridge University. He came to Massachusetts Bay in 1631, where he became

a landholder, church member, and pastor, but not a freeman. He made himself quite unpopular by challenging the validity of the charter and the right to hold lands by a grant from the crown (at the time that Gorges was waging his war of nerves against these same points). Williams found nowhere in Massachusetts a separatism strong enough for him. He favored not religious "toleration," but, more radical, religious "equality." After breaking with his Salem congregation, he was banished from the Bay Colony in 1635 for extreme separatism, denial of the land patent, denial of the magistrates' power, and refusal to take the oath of fidelity to the colonial government. In theology he was no indifferentist, but was always ready for a theological dispute. Nor was he an anarchist, since he made a real distinction between liberty and license. He worked very hard to keep the peace between Indians and whites. He was an inspiring leader but not a statesman; practical politics and organization were beyond him.

The Four Towns. Rhode Island was founded by the union of four towns under Roger Williams. The inhabitants were intense individualists and co-operated poorly. Only Williams' strong character knitted them together.

PROVIDENCE, 1636. Whether Williams had made up his mind to found a new settlement when he was banished is unknown, but a controversialist and experimenter is not apt to be a recluse. He founded Providence, which remained a poor town and grew slowly in wealth and numbers. It was governed under a social compact, by vote of a majority of householders.

PORTSMOUTH, 1638. Following the Antinomian controversy in Massachusetts, a group led by William Coddington followed the Hutchinsons to the south. They founded Portsmouth. In 1639 Coddington was expelled.

NEWPORT, 1639. Coddington and his friends left Portsmouth and founded Newport at the other end of the same island.

WARWICK, 1643. Samuel Gorton, a very contentious man with his own theological system and a firm conviction that the rights of Englishmen were the same everywhere, was expelled from Portsmouth and was denied freeman's status at Providence. He founded Warwick but had to go to England to secure an order requiring Massachusetts Bay to leave him alone, since the Bay Colony claimed the site and had evicted him by force.

Rhode Island Government and Charters. By the 1640's Williams believed that Rhode Island should have some legal status

in the eyes of the English government, and in 1644 he secured a charter. By this he hoped to make Rhode Island secure from her neighbors (who regarded her as a moral sewer). The charter of 1644 left government in the hands of the towns. Under it, in 1647, a law code was drafted, modeled after specific British statutes. Thus, in effect, Rhode Island was a little England with wider liberty of conscience than was to be found in England. When the Stuarts returned to England, Rhode Island sent Dr. John Clarke to secure a new or reconfirmed charter. After some dispute concerning boundaries between Clarke and John Winthrop, Jr., the emissary of Connecticut, the new charter was issued in 1663. It contained an explicit guarantee of liberty of conscience, a liberty not officially known in England. These charters and statutes did not make Rhode Island a quiet place, there being more internal dissension than in most colonies. Legal life was colored by much bitter and enduring land litigation, owing to the vagueness of early memoranda recording the purchases from the Indians. The towns had inefficient judicial systems, and peace was kept with difficulty; it has been justly said that Massachusetts had law but not liberty whereas Rhode Island had liberty but not law. Rhode Island was long the home of decided individualists among whom, taken together, could be found dissenters from most of the conventions of the seventeenth century. Except during part of the eighteenth century, none were penalized for conscientious disagreements with the views of others regarding faith or morals.

TOPICS FOR FURTHER STUDY

1. Prepare an account of the life of one of the following: Sir Ferdinando Gorges, John Winthrop, Jr., Roger Williams, William Bradford.
2. In what way was Captain John Smith important to the founding of Virginia? of Massachusetts?
3. What were the causes and results of the Pequot War?
4. Why did Massachusetts Bay suffer an economic depression in the 1640's?
5. Compare the requirements for voting in Connecticut and Massachusetts Bay.
6. What were the principal motives for emigration to New England in the early seventeenth century?

SUGGESTED READING

(Suggested readings for Chapters II and III have been combined at the end of Chapter III.)

Significant Dates

Maryland	1632
New York	1664
Pennsylvania	1681
Georgia	1732

CHAPTER III

THE PROPRIETARY COLONIES

Proprietary charters were granted in feudal form and language to one or more proprietors, who thereby held title to the land. Usually the charters included a delegation of authority to govern, and they were all given expressly for the purpose of colonizing.

MARYLAND

Maryland was the first successful proprietary colony. It was founded by the first two Lords Baltimore, both Catholics in an anti-Catholic age. That it succeeded is a token of their political dexterity as well as of their administrative ability.

The Grant. George Calvert, first Lord Baltimore, had planted a colony on Newfoundland but abandoned it because of the climate. From Newfoundland he visited Virginia in 1629, where he could not stay because his conscience would not permit him to take the Oath of Supremacy. On returning to England, he asked for part of Virginia for himself; but the king gave him land to the north, adding that "it shall be called Marilande in memory and honor of the Queene." Sir George died before the charter was sealed; but his son, Cecilius, was awarded a charter in 1632 and carried on the project.

Migration and Settlement. In the beginning, the campaign to secure settlers was directed at persuading Catholics to go to America

and was in the hands of priests of the Society of Jesus (Jesuits). Baltimore is said to have spent from ten to forty thousand pounds in promotional efforts; nevertheless, Catholics were always a minority of the Maryland population. Before the first convoy of settlers could sail, the passengers were required to take the Oath of Supremacy. The priests and Catholic laymen were hidden on board or were taken on after the oath was administered, and the ships sailed in November, 1633. They made land at Maryland in March, 1634. Between two and three hundred went on shore at St. Mary's, the first Maryland settlement. They found land partly cleared by the Indians and bought it from them. The Catholics of the party came from all English social classes, but a majority of the lower-class settlers were Protestants, a social cleavage that was reflected throughout the history of Maryland. The Protestant element was strengthened by a migration of Puritans to Maryland from Virginia in the years 1644-1649.

Government. Maryland was erected as a proprietorship on the model of the palatinate of Durham, which meant that the proprietor was to Maryland government what the king of England was to the realm of England and that Maryland subpropriators owed the same allegiance to the Calverts that feudal vassals owed to the king of England. This much was true on paper at least. In practice, the powers of the proprietor were delegated to the governor. An assembly, which consciously imitated the English Parliament, was established from the first year of settlement and by 1650 had been divided into two houses. The assembly took on greater influence when it successfully insisted that it could initiate bills. English law was accepted in Maryland if Maryland law was silent on the given subject and if due regard was shown for local circumstances. English practices and customs were generally followed.

Claiborne versus Calvert. The early leaders of Maryland tried without much success to cultivate friendly relations with Virginia, the Dutch settlements, and New England. They met with much opposition from Virginia and, later on, from Pennsylvania. Their principal Virginia enemy was William Claiborne, who, being conscientiously anti-Catholic, had been one of those Virginians who forced the first Lord Baltimore to leave Virginia in 1630. Claiborne had come upon Kent Island in the Chesapeake and had established a trading post there. In 1630 he went to England and formed a joint-stock company to exploit the Indian trade of the Chesapeake, maintaining a post on Kent from 1631 to 1636. It was not a Virginia enterprise but was financed by London merchants. Technically, Claiborne

and his associates had no claim to the area and when the Marylanders seized the post they were legally correct, as the English courts later ruled; but the second Lord Baltimore did not proceed in the matter in any friendly fashion.

Life in Maryland. The Calverts intended Maryland to be a great family estate and a refuge for English Catholics, although not many Catholics came and Protestants were in the majority. In the beginning the Calverts instituted religious toleration, which was formalized by the Toleration Act of 1649; but the Church of England was later established by law. The successive proprietors granted lands in various ways, and quitrent was a feature of most early grants in Maryland. The people of Maryland quarreled with Virginians, the Pennsylvanians, the Indians, and with each other. Religious differences and dissatisfaction with proprietary land policy caused much internal dissension. Between 1652 and 1689 there were five rebellions against proprietary rule, but the Calvert family was not permanently dislodged until the American Revolution.

NEW HAMPSHIRE

Scattered individuals lived within the present limits of New Hampshire from 1608. Between 1623 and 1640 four independent towns were established, which were ultimately annexed by Massachusetts Bay (1641-1643). In 1679 it was erected as a royal colony after a decision had been made in England that it did not lie within the charter limits of Massachusetts.

NEW NETHERLANDS BECOMES NEW YORK

The heterogeneous Dutch colony of New Netherlands was conquered by the English for varying motives and became the first lasting proprietary colony of the Restoration period. Its proprietor was the Catholic brother of King Charles II, James, Duke of York, later King James II.

New Netherlands at the Time of the Conquest. The inhabitants of the New Netherlands were by no means all Dutch, nor were they contented under Dutch rule. The population was made of four elements: (1) The townspeople of New Amsterdam, which was the center of Dutch merchant shipping, were of perhaps a dozen nationalities. (2) There were fur traders at three principal posts for the Indian trade: Fort Orange (Albany), Fort Nassau (Trenton), and Fort Good Hope (Hartford). (3) Up and down the Hudson

lived the wealthy Dutch landlords with great manorial estates. (4) On Long Island and in Westchester there were English squatters from Connecticut. The Englishmen were naturally discontented with Dutch rule, which has been described as despotism tempered by graft (even the Dutch disliked it). Outlying farmers found the Indian trade monopolized. Indian troubles were frequent because of the brutal treatment accorded to savages near New Amsterdam. The Dutch West India Company was interested only in dividends and paid more attention to the West Indies than to New Netherlands. The government was farcically inefficient. Best known of the Dutch governors was Peter Stuyvesant, who held office from 1647 to 1664. He was brave and loyal to the company; but his job required more prudence, tact, and administrative ability than he had. He tried to enforce uniform observance of the Dutch Reformed church by persecuting Lutherans, Baptists, and Quakers; and his blustering efforts to regulate overseas and Indian trade aroused further antagonism. His principal positive achievement was the settling of the Connecticut-New Netherlands boundary by agreement with commissioners of the New England Confederation (1650).

English Motives for Conquest. The men who promoted English mercantile policies objected to the Dutch dominance of the New World's carrying trade; and there was a sharp Anglo-Dutch rivalry in the slave trade on the African coast, approaching piracy or undeclared war. American planters were very friendly with the Dutch, who gave them lower freight rates than did English shippers and who also gave them a kind of "agricultural extension service" by teaching them the best practices of sugar and tobacco cultivation. As long as the Dutch maintained their excellent maritime base on the Hudson, there was little prospect that the colonies would contribute to the growth of the English merchant marine as envisaged by mercantilist thought.

The Conquest. After a preliminary propaganda campaign to justify the proposed attack on New Amsterdam, the Lords of Trade in January, 1664, recommended immediate action against New Netherlands, even though England and the Netherlands were officially at peace. A great proprietary land grant to the Duke of York was made. It included everything between Maryland and Canada which had not previously been granted. A task force was sent in four frigates and entered New York harbor in August, 1664. The unpopular governor, Peter Stuyvesant, could get no help from his council or from the inhabitants and was forced to surrender without firing

a shot. By the end of the year the entire area of Dutch settlement, destined to be the wealthiest in the world, was under English rule.¹

New York under the Duke. The charter of New York was the shortest of all colonial charters, with the fewest restrictions on the proprietor—all in all, it contained the most extreme expression of proprietorship of any American grant. However, it had no "palatine" clause (such as the Maryland charter had) and there is no proof that any governor was harsh or tyrannical. The Duke's prime interest was profit, but although he took a great personal interest in New York he never received what he thought was an adequate return. His governors tried to be fair to both the Duke and the people, a very difficult thing. The boundaries were very long in relation to the area enclosed, which made New York hard to populate, cultivate, and defend. Internal problems were puzzling. To secure a revenue required the encouragement of trade, and so the governors conciliated the Dutch inhabitants but obviously could not let them trade with the Netherlands in opposition to English mercantilist theory. The inhabitants wished an assembly; but only the governors were authorized to draft laws for them ("The Duke's Laws," 1665, Governor Richard Nicolls), which were copied from other colonies. The English element in the population wanted an assembly, not a hand-me-down code.

The First New York Assembly. Governor Edmund Andros (1674-1681) referred requests for representation to the Duke. Andros thought it the only way to raise sufficient taxes to pay the cost of government. The Duke allowed an assembly which was first called by the succeeding governor, Thomas Dongan, in 1683 and which met in three sessions, 1683-1686. Its acts were accepted by the Duke but not returned as approved because of the formation of the Dominion of New England (of which more later).

NEW JERSEY

The land from the Hudson River to the Delaware River was subgranted as a proprietorship by the Duke of York. By further subdivision of rights, the number of proprietors was increased from two to twenty-eight. Sometimes two or more proprietors would grant an identical parcel of land to different parties, a confusion which encouraged much litigation over land titles. In order to attract settlers,

¹ New York was reconquered by the Dutch in 1672. They held it a year until it was returned to England by treaty. There were three Dutch wars, 1652-1654, 1664-1667, and 1672-1674.

the original proprietors, Lord John Berkeley and Sir George Carteret, gave a "Concession and Agreement" in 1665, which provided for a considerable degree of self-government, but the development of the colony was slow, owing to the shortsighted quick-profit policies of many of the proprietors. Despite their eagerness for profits, the financial return to the proprietors was small; and the proprietors were faced with difficulties with the settlers (particularly those of the eastern part of the province) who resisted the collection of quitrents, and with New York merchants who strongly objected to Jersey attempts to break their import-export monopoly by the establishment of a port at Perth Amboy, where goods could enter and depart duty-free.

THE CAROLINAS¹

Early Carolina history is obscure and confused until the emergence of several proprietors led by the Earl of Shaftesbury, after the Restoration. The colony was always weak during the seventeenth century. Politically it was notable for an elaborate and ineffective governing document.

Early Carolina History. During the Restoration period England expanded into the West Indies through settlement and the development of trade, with important effects on the Middle and Southern colonies of North America. The principal activities of the Carolina region before 1660 had been the establishment of Spanish Indian missions, as well as military posts to guard the route of the Spanish treasure fleets. Meanwhile, in 1655, the English had taken Jamaica from the Spaniards and some English leaders thought they could conquer all Spanish America except South America and perhaps part of that. The only result of this pretentious design was the settlement of the Carolinas. There had been an early patent issued for the Carolinas to Sir Robert Heath in 1629, but it is not certain that Heath and his associates had sent any colonists.

Lord Shaftesbury. Anthony Ashley Cooper fought in the royalist cavalry during the English Civil War but made his peace with Cromwell after the execution of Charles I. After Cromwell's death he assisted in the restoration of Charles II and rose rapidly to the Privy Council and the Exchequer, being created Baron Ashley and Earl of Shaftesbury. As a reward for his services to Charles II, he and his friends sought a proprietorship in America.

¹ The terms "North Carolina" and "South Carolina" were not in use until about 1700.

The Charter. Sir John Colleton of Barbados, Sir William Berkeley of Virginia, and Shaftesbury associated themselves with a number of other eminent Englishmen (the latter being used chiefly for window dressing) in the application for a charter. The Heath interests had sold their 1629 patent to the Norfolk family, and the new applicants were able to show that nothing was being done with it and to get it vacated. The Shaftesbury group's prime motive was to secure quitrents *à la* Maryland but in their promotional talks they emphasized the prospect of enlarging the empire and of importing tropical products from America. The charter was granted in 1663 and gave them the land between Virginia and Florida, to be governed—like Maryland—as the palatinate of Durham. An exploring party was sent that year.

Settlement and Growth. As early as 1653, adventurers, debtors, and runaway bond servants had already moved into the country around Albemarle Sound from Virginia. Whether they were sent by the proprietors is unknown, but in 1663 New Englanders numbering perhaps eight hundred settled in the Cape Fear district. They left in about a year, discouraged by the unhealthfulness and barrenness of the place. There was also a colony of Barbadians who suffered from neglect during the Dutch war and dispersed as soon as they could get transportation. These failures discouraged many prospective settlers. In 1670, one hundred and forty people came from England and settled at the old inland site of Charleston (moved to the sea in 1680), and the permanent settlement of present South Carolina dates from that foundation. The Carolinas were for many years the weakest English colony of North America. By 1700 the northern part had a population of less than five thousand, while the population of the southern part totalled about the same number of whites, plus a larger number of Negro and Indian slaves. As the most southerly of the colonies until the second third of the eighteenth century, the Carolinas were a remote and isolated outpost serving as a buffer against the Spanish. In every Anglo-Spanish war thereafter the southern Carolinians had a hard time.

The Fundamental Constitutions of Carolina. Shaftesbury believed that feudal England in the pre-Tudor century represented a golden age in history; and he (or John Locke, his secretary) drew up an elaborate instrument of government to establish hereditary aristocracy, but it was never fully put into effect. These "Fundamental Constitutions of Carolina" were issued in 1669. The ideas were not strictly new but were adapted to fit an overseas palatinate

from English feudal institutions, from English law, and from the ideal state of the political theorist James Harrington as described in his book *Oceana*. Important features of the Fundamental Constitutions were that landholding was a prerequisite for social rank and political action, that the higher dignities were hereditary, and that estates could be neither sold nor divided. The document provided a government that has been well described as "artificially contrived." Local courts were to use juries which rendered verdicts by majority vote. This code should not be regarded merely as an antiquarian curiosity, since the legal history of the Carolinas was colored by the thirty years' insistence of the proprietors that the people of the Carolinas adopt it. This insistence, plus unpopular trade and land policies, caused friction between settlers and governors, occasionally accompanied by violence, beginning in 1677. Generally the Carolinians were successful in frustrating the plans of the proprietors. With regard to Carolina law, the inhabitants had the same offer of privileges and immunities as the people of New Jersey. These liberties were never proclaimed as a whole but appeared part-by-part in successive instructions to governors.

Overthrow of the Carolina Proprietors. Proprietary policies alienated important groups in the population and in England. The great planters wished for more effective defense against the Spaniards and Indians of Florida. The smaller farmers had the same grievance and also desired a more generous policy in granting lands. The western fur traders wanted vigorous support from the proprietary government against French and Indian rivals and enemies. The home government thought that frontier defense, the Navigation Acts, and measures against piracy were all pushed ineffectively. After many specific grievances had built up an intense hostility toward the proprietors, the explosion came in 1719 when the militia was called out against a Spanish threat, but marched successfully against the proprietary government itself. Instead of putting down the "revolution" the English government welcomed it, bought out the proprietary rights, and the Carolinas became royal colonies.

PENNSYLVANIA

Pennsylvania was (with Georgia) one of two proprietary colonies which were consciously founded as social experiments. It was founded by a man who combined promotional skill with a charitable attitude toward his fellow men. Its charter was tailored to fit the prevailing mercantilist doctrines, and the liberality of its founder attracted men

of more diverse theological and moral convictions than came to any other large colony.

William Penn. The founder of Pennsylvania, William Penn, was one of the most interesting and important of the fathers of colonial America. He was the son of a distinguished seafaring father, Admiral Sir William Penn, "great captain commander" of the fleet. After serving with his father in war against the Dutch, he studied law and was sent to Ireland to look after one of his father's estates. He had earlier been attracted to the Society of Friends, called "Quakers," and on his return to London at the age of twenty-three he became an open convert. Quakers had no easy time of it and young William was twice jailed, once for a fight with a soldier who tried to break up a Quaker meeting and once for the publication of an unwelcome pamphlet. When his father died the younger Penn was left well-to-do and bought into the Jerseys proprietorship, but wished to have a colony of his own to put his ideas into practice.

The Charter. The Duke of York was heavily indebted to the Penns and agreed to pay the debt by a grant of land in America, which the Duke named "Pennsylvania" (1681). The charter of the new colony gave the proprietor less kingly powers than any proprietor thus far, and was an unusual mixture, combining a medieval propriety with the current mercantilist laws of trade and with the ideals of a man who believed in brotherly love. Unlike the earlier proprietary charters, Penn's new settlement was definitely fitted into the English colonial system. Pennsylvania was to observe the Navigation Acts, to maintain an agent in England, to admit a royal collector of customs, and to send all laws to London for allowance or disallowance. The king retained the right to hear appeals from Pennsylvania courts. The Bishop of London was to direct religious life (by remote control), and any twenty petitioners might secure the ministrations of a Church of England clergyman.

Political History. Penn drafted the first laws on a consciously moral basis. Owing to his liberality, the local institutions were remarkably free. The proprietor was the governor and appointed a deputy-governor to act for him. The unicameral assembly was chosen by the landowners, and it was intended that the assembly should only ratify or veto laws presented by the deputy-governor. The assembly took a dark view of this proposal and insisted on the right to initiate legislation. This question was the theme of the Pennsylvania political struggles of the first twenty years. Most of the members of the assembly were fresh from Restoration England and broadened their

claims in a manner to parallel the broadening of Parliament's claims against the Stuart kings. From the beginning, the Pennsylvania assembly consciously modeled itself on the English House of Commons and continuously defined its privileges more precisely until, by 1701, Pennsylvania's legislative power was in the hands of the assembly. The proprietor was still the landlord but was not the lawgiver. Pennsylvania was well-governed when Penn was present, but several of his deputy-governors were inferior men. When James II was ousted by the "Glorious Revolution" of 1688, the new English government confiscated Pennsylvania because Penn and King James had been close friends. Penn's rights were restored under Queen Anne. Penn never profited from the colony and spent some time in prison for debt.

DELAWARE

As previously mentioned, the Delaware region had been settled by Swedes and annexed by the Dutch of New Netherlands. The settlers of New Haven had planned to develop the trade of the Delaware valley but had been thwarted by the Dutch. Independent English settlers had begun to move into the valley beginning in 1664, and Penn assumed that it fell within the limits of his grant. Although Pennsylvania and Delaware were under the same governors until the American Revolution, Delaware's local government was separated from the former province beginning in the years 1702-1704. There were two leading motives for this step. First, the growth of Pennsylvania diminished the relative importance of the Delaware counties. Second, the majority of the English inhabitants of the lower Delaware counties were Anglicans and Calvinists who disliked the rule of the Quakers. The first Delaware assembly met in 1704.

GEORGIA

The "Trustees of Georgia" who founded that colony in 1732 were a group of philanthropists, among whom James Oglethorpe and Thomas Coram were outstanding. They asked permission to establish a proprietary colony in America which would be an asylum for debtors. Although the crown distrusted proprietary colonies in the eighteenth century, the trustees were given their wish—partly because the new colony would be a buffer between South Carolina and the Spanish in Florida. The seaboard lands of Georgia seemed suitable only for the plantation system of agriculture, which required much common labor. Because of a shortage of such labor, Georgia developed slowly. An assembly was established rather late, and when the proprietors'

tenure expired Georgia became a royal colony. Most of the expenses of government were met by the royal treasury, which charged off the cost to military defense.

OTHER ENGLISH COLONIES OF NORTH AMERICA

Maine and Nova Scotia were also English projects in North America. Scattered settlements on the rugged *Maine* coast were claimed by Massachusetts, which finally bought them from other claimants. Maine continued as part of the Bay Colony until the early national period of the United States. *Nova Scotia* was useful to England as an imperial outpost against the rival French in Canada. While economically rather like several of the original thirteen colonies, she was never a part of their political community because of special attentions received from the English government to preserve her potential value as an advanced base of royal military power. In addition to Maine and Nova Scotia, the English were interested in other New World projects, scattered from the frigid zone to the torrid zone. *Newfoundland* was used as a fishing base but was never successfully inhabited before the United States won independence. *Bermuda* was founded in 1612 and became a royal colony in 1684. *Barbados* was settled in 1627 and developed an economy entirely dependent on the market value of sugar. *Jamaica* represented the first English colonization by conquest, being captured from the Spanish in 1655, and was developed as a military and commercial outpost on the door step of the Spanish empire in America. Other Caribbean colonies and commercial projects were *Guiana* (many colonizing attempts, beginning in 1604), *St. Christopher* and its immediate neighbors (practically all colonized between 1624 and 1640), and *Providence* (occupied by Puritans in the 1630's but taken by the Spanish in 1641). Excepting Providence, these islands began as tobacco-growing centers, but sugar cane had become the staple crop by 1660. The *Hudson's Bay Company* was chartered in 1670 for the exploitation of "Prince Rupert's Land" adjoining Hudson's Bay; the company is still active.

TOPICS FOR FURTHER STUDY

1. Prepare an account of the life of one of the following: Sir George Calvert, Lord Shaftesbury, William Penn, James Oglethorpe.
2. What was the Indian policy of the Pennsylvania government in the seventeenth century?
3. What was the importance of James II to American history?
4. Trace the leading divisions of the ownership of "the Jerseys" up to the eighteenth century.

5. Was Georgia a success as a philanthropic project?
6. Describe the founding of one of the following colonial enterprises: Bermuda, Barbados, Jamaica, The Hudson's Bay Company.

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Significant Dates

Arrival of the Indians 25000-15000 B.C.(?)

First Negroes in Virginia . . . 1619 A.D.

Founding of Germantown 1683

CHAPTER IV

PEOPLE, LAND, AND LABOR

NON-ENGLISH MIGRATION

In addition to the English, many people from other parts of Europe and from Africa came to America.

Causes and Methods of Emigration. People were moved to emigrate from Europe to America by discontent. Poverty drove some. Others left home because they found their economic ambitions frustrated by a permanent status as farm tenants. Some emigrated to escape the disorders of Continental wars, and many because they were conscientiously unable to conform to the dominant churches of their native countries, whether Protestant or Catholic.

Governments, proprietors, and societies advertised for migrants and in many instances arranged their passage. A very few were disembarked in the South, some in New England or New York; but after the founding of Pennsylvania that place received more immigrants than any other, because of Penn's broad invitation and his careful, energetic, and honest advertising of his colony's good land and free institutions.

Usually the newcomers to America were not political refugees, nor were they from the lowest levels of their native society. If it is possible to generalize at all about this grand forgathering, it can be said that the peopling of the Americas is the greatest migration of nations in recorded history and that what set the individuals apart

from those who did not come was a special quality of impatience with the *status quo* and an extra part of courage in their hearts.

The Scots-Irish. One of the largest and most influential groups of settlers in the eighteenth century was the Scots-Irish, or Protestant Irish from Ulster.

ULSTER PLANTATION. Following "disorders" in northern Ireland, the six counties called Ulster were opened (1609-1611) to English and Scottish settlers and to such of the Irish as would swear loyalty to James I. Lands were granted, as in other colonial enterprises subject to quitrents. This project intensified a bitterness which still flavors the relations of the English and Irish. Most of the settlers were Scottish Presbyterians. After making themselves at home in Ireland they were subjected to the mercantilist laws of England which forbade any competition with English businesses. When opportunity came, large numbers emigrated to America. There were about a hundred and fifty thousand of them in the colonies by 1776, most of them coming in the first half of the eighteenth century.

THE SCOTS-IRISH IN AMERICA. Fiercely independent, the Scots-Irish scattered over the American uplands as widely as the constant Indian hazard would allow. They seemed always to be moving and they steadily spread through inviting wilderness areas where they learned Indian fighting from the Indians and went on to win. They frequently had no respect for the land titles of absentee speculators but were confirmed squatters on the well-watered western meadows of eastern landowners, arguing that they did the work and spent their blood to develop the land. The Scots-Irish were largely responsible for popularizing the log house, which they built according to the style of the Swedish settlers on the banks of the Delaware. Their individualism, their Calvinist theology, and their manner of attacking obstacles without hesitation contributed important elements to the modern American character.

The Germans. Sober, industrious German immigrants of almost every conceivable variety of religious belief settled in many parts of America, but chiefly in Pennsylvania.

MOTIVES FOR MIGRATION. More Germans came to America from the Rhenish Palatinate than from any other part of Germany. They came to escape religious uniformity of a kind they could not accept and they came because the valleys and fields of the Palatinate had been fought over in so many wars that life there was too unpleasant to be borne by the poor if there was any way to escape the place. They were of many differing religious convictions—German

Reformed, Lutheran, Mennonite, Moravian, and many less well-known sects.

AMERICAN SETTLEMENTS. Attracted by Penn's publicity, more Germans settled in his colony than in any other and eventually they formed a third of the population of Pennsylvania. Although Germantown was founded by these settlers as early as 1683, the largest influx of Germans occurred in the early eighteenth century, most of them going into the Middle and Southern colonies. It is estimated that there were a hundred thousand of them in America by 1750, of whom 70 per cent lived in Pennsylvania. From Pennsylvania the valleys between the parallel Appalachian ridges invited them south and southwest in the next half century. They were excellent farmers, stable and hardworking, who preserved the fertility of their soil as well as any farmers in America. Their uncommon religious views set some groups apart because they were clannish, anti-intellectual, and anti-political. A few of these groups still exist, relatively unchanged, as cultural islands in our society.

Other White Groups. Members of other nationalities were present in the British colonies before the Revolution. Following the revocation of the Edict of Nantes in 1685 (which had provided that certain French cities become Protestant enclaves within otherwise Catholic France) about fifty thousand Huguenot families left France. Some of these, particularly some who were relatively well-to-do, came to the Carolinas with the assistance of the proprietors; and there many of them and their descendants became intellectual and social leaders. Others made their own way to several Northern colonies, for example the ancestors of Paul Revere and John Jay. Scottish colonists settled on the Carolina coast in the 1680's. Scot Highlanders colonized the western Carolina uplands in the eighteenth century. The influence of a few Swiss in the South, of Swedish settlers in the Delaware valley, and of the Dutch in New York was noticeable for generations after the independence of the United States had been won.

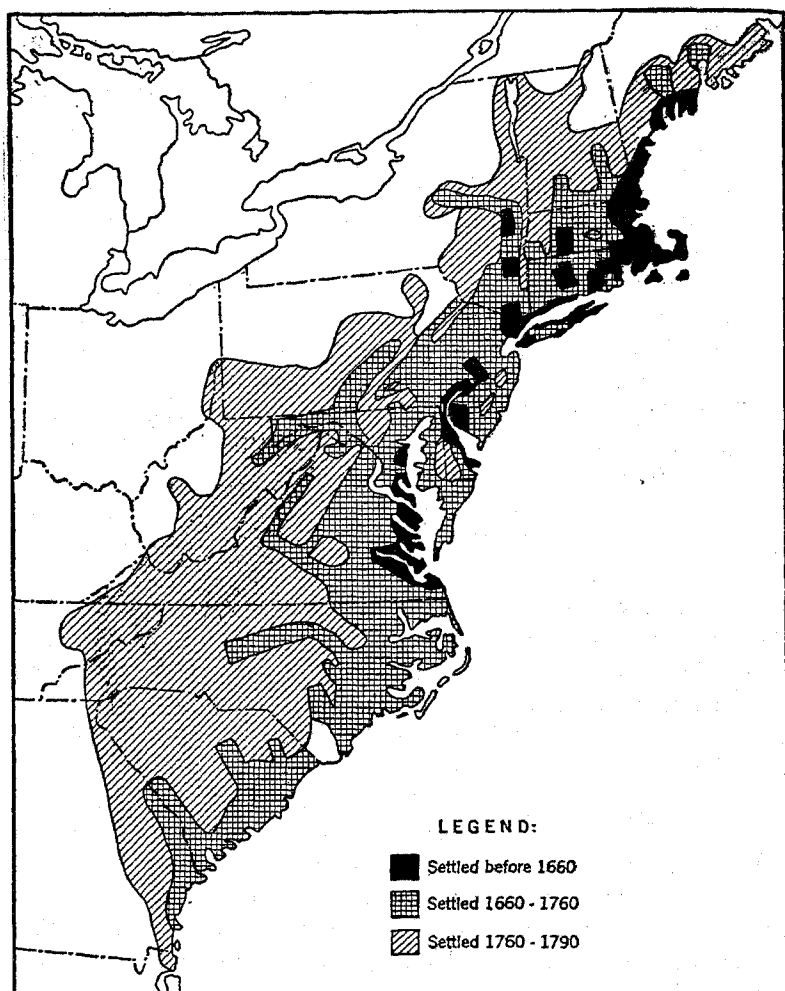
Negroes. African Negroes were first brought to America by slave traders, who introduced them into Virginia in 1619. The institution of slavery had almost been forgotten in the English-speaking world and the first Negroes were placed, by legal fiction, under indentures as contract laborers. This status was soon realistically converted to slave status, and slavery as an American institution grew slowly but steadily during the seventeenth century, chiefly in the Southern colonies. In the eighteenth century, slavery almost completely displaced free farm labor south of Pennsylvania. There were

about 500,000 Negro slaves in the colonies in the third quarter of the eighteenth century.

Legal Status of Non-English Whites. Although there was some objection to immigration by those who had come to America earlier or who were American-born descendants of earlier immigrants, it is difficult to see any valid economic reason for it; and politically immigrants actually received better treatment than might have been expected, owing to the competition among land speculators who offered political status as an added attraction to their ungranted lands. Immigrants were always regarded as possessing civil rights, but emigration alone did not at once annul one's original nationality. "Naturalization" of foreigners was not provided for by Parliament until the eighteenth century and then was so circumscribed with specific requirements as to be cited in the Declaration of Independence as a basic American grievance. One restriction limited naturalization to Protestants. There were some colonial attempts to provide for naturalization before Parliament acted, but there was no uniform intercolonial policy on the subject.

Influence of Non-English Migrants. Migration from England decreased after the middle of the seventeenth century. This meant that at the time of the Revolution the 2,500,000 people of the colonies, while predominantly of English descent, had only a cultural memory of England and did not number many who had ever seen England. There were also hundreds of thousands who had come from other parts of Europe (or who were descended from such) more recently than the ancestors of those of English descent. When one considers also that about 20 per cent were Negroes, it becomes even more plain that America was becoming a separate community. Furthermore, in addition to planting the seed of American nationality, the great migration of Continental European peoples had certain other decisive effects.

PUSHING BACK THE FRONTIER. In the century before the Revolution, the area of settlement in the colonies tripled. New settlers moved into the plateau which is called the Piedmont and which rises behind the tidewater coastal plain. They pushed into the interior of New England, the lowlands of Pennsylvania, and the Shenandoah valley of Virginia. The original bloc of inhabitants of English descent was diluted. In New England 90 per cent were of English extraction but in the Middle states two-thirds of the people were of non-English origins. In the South the tidewater country remained almost entirely an English transplanting but above the "fall line," which separates



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Expansion of Settlement

the Piedmont from the coastal plain, descendants of English settlers were outnumbered by the newcomers.

BREAKDOWN OF RELIGIOUS UNITY. In the Christian tradition it had been a fundamental assumption that the people should be united in their church just as they were in their government, and the principle was held after the Reformation just as strongly. Of the earliest colonies only Maryland and Rhode Island had explicitly denied this doctrine,

but the diversity of religious convictions made it steadily more difficult to practice and acted as a weight on the side of religious toleration.

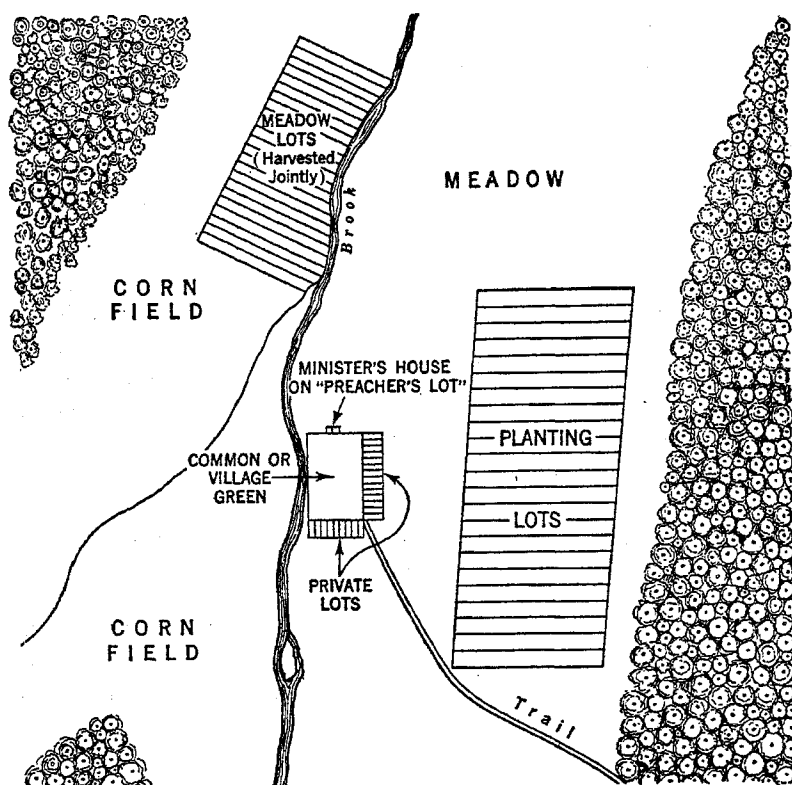
RISE OF SOCIAL AND POLITICAL TENSIONS. The hinterland differed much in "race" and religion from the conservative seaboard people, who still preserved their English cultural heritage relatively unmixed and who strengthened it by continuous commercial and intellectual intercourse with England. An antagonism of east and west which had its beginning then is still felt in American life. This antagonism was encouraged because the hardy and energetic individualism of pioneer life in the wilderness favored the acceptance of "radical" notions of human equality. The habitually dominant groups along the seaboard felt this and frequently resisted the extension of equal governmental power to the people of the interior as long as possible. Thus the westerners became potential revolutionaries.

LAND DIVISION AND USE

Land was distributed and held in various ways in colonial America according to the use which was made of it and the motives of those who made land policy.

New England Land Policy. New England land policy originally was formed with the intention of creating a compact Christian commonwealth. Land was distributed in such a way as to establish many small towns of churchgoing freeholders. Speculation in the land market was not common until the eighteenth century.

METHOD OF DIVISION. Towns were generally granted by New England colonial legislatures in small proprietorships to be held by freehold tenure, and were approximately thirty-six square miles in area—a figure which later influenced the rectangular township surveys of the United States public lands of the west. Town planning was based on religious, cultural, military, and economic considerations. The division of land was frequently determined by a lottery. Church land and school land were usually reserved, and the village green, the meadow, and the wood lot were usually held in common. In the division of tillable lots it was arranged that each proprietor should get a fair share of the richest and of the poorest soil, with the result that the strips allotted to a single family usually were scattered in several places. Later comers might be admitted to full proprietorship by subsequent distributions of undivided common lands, although as time passed this became increasingly rare. Ownership could be transferred by sale of one's proprietorship, subject to certain restrictions by the legislature. New England legislative bodies usually intended that



Typical New England Town, "First Division"

Unbounded parts were common land. Cattle ran in the woods (although woodlands might later be divided into private lots). Most common land was later divided into private lots and known as "Second Division," "Third Division," etc., until only unproductive mountains, swampland, and the central common or village green remained the property of the town or of the town proprietors. (Note: outlying lands are not shown.)

only church members be included among the original proprietors of a town. This preserved the religious and cultural unity which they had intended to secure by coming to America.

EFFECTS OF THE NEW ENGLAND SYSTEM. When a typical town had been divided and settled it would have a population of about sixty large families, each of which held about three or four hundred acres of land. The compact settlements of New England, with one-eighth the area, through this system of land utilization supported a population equal to that of the South. Settlement in these communities made endowed education and religion accessible, and prevented the cultural

deterioration that took place so often in the early generations of settlers elsewhere in America. But in the end the unity was broken. As proprietors closed their settlements and took in no more owners, they became a landed aristocracy; and landless, restless, discontented newcomers often became a majority, in which heterodox religious and economic ideas were clarified and popularized.

WEAKENING OF THE NEW ENGLAND SYSTEM. The less fertile New England uplands were occupied in the eighteenth century. The rocky hill soil was thin and the highlands were to become a region of poverty. At the same time religious fervor of the seventeenth century had cooled, and the granting of towns to land speculators rather than to church members, as such, was tolerated. The waning of religion and the comparative poverty of the thin-soiled hills made for a discontented and debt-ridden section. There was an unregulated competition for individual holdings and the isolated frontier farm, typical of the American frontier everywhere else, was no longer uncommon in New England. Hence a section in the interior had come into existence by the late eighteenth century which had a separate character from the compact, prosperous, church-bonded towns near the coast.

Middle State and Southern Land Systems. In the Middle states and in the South, land tenure was originally intended to have a certain feudal character, but freehold tenure (outright ownership free of continuing obligation to the preceding holder) existed at the same time. And squatters were to be found almost everywhere, living their own free lives behind the Gothic façade of feudal tenures. For purposes of study, New York, Pennsylvania, and Virginia land systems illustrate the principal characteristics of land policy and practice south of New England.

NEW YORK. The Dutch at first had made large grants (patroonships) and had no fixed quitrent system, although tithes were sometimes required. Large tracts were sometimes purchased directly from the Indians without survey or record, and were often transferred from one white holder to another in the same easy fashion. If the Indians sold the same tract to more than one purchaser, as well they might, quarrels and litigation could be expected. When the Duke of York became proprietor he took the ungranted Dutch West India Company lands and gave them out in large blocks. The presence of these great estates influenced the structure of society since would-be small holders were diverted elsewhere.

PENNSYLVANIA. Penn intended his colony to be a great fief on the quitrent system, but in his absence (and he was rarely there) squatting

and frauds were common. Weak supervision and the absence of prior survey gave squatters their opportunity and threw the whole "system" into confusion. It has been estimated that nearly two-thirds of western Pennsylvania was taken up by squatters. In theory Penn's policy was to grant small units as "headrights" (which were small grants given as rewards for coming out to America, or for bringing someone out), larger holdings on a straight quitrent, and still larger estates by outright sale with a city lot in Philadelphia thrown in. It may be observed that the rectilinear plan of Philadelphia influenced the platting of many later American cities.

VIRGINIA. Within a generation of the founding of Virginia, the headright system of land distribution prevailed. Each person who transported newcomers to Virginia at his own expense received fifty acres per head, which were to be cultivated and seeded within three years, after which the annual quitrent was to be paid. This plan has been admired because the land, as wilderness, was useless, and the headright plan used the wilderness land as a fund with which to finance settlement. But every variety of fraud was practiced, and the headright grant was so modified in 1705 (headrights were thereafter sold for cash) as to be practically abolished. Under the Virginia usage, the colony had become another England except for the fact that estates were spaced more widely. The majority of holdings were small, but a few were enormous.

Land Speculation. One of the most important characters in the American story is the land speculator, whose influence has been felt in nearly every aspect of the American past. The first speculators were those Englishmen who received gifts of great tracts of land. And their subgrants in turn became the bases for later speculation. In its most elementary form, land speculation consisted in securing land free or at a low price and holding it for sale at a higher price. Many ingenious ways of acquiring land, increasing its sale price, and disposing of it were worked out—often with little regard for the law of man or for the law of God.

THE INDIANS

The Indians belong in every frontier picture. They and their ways of living had a great influence on the white inhabitants of the British colonies.

Origin of the Indian. The question of the origin of the Indian is obscure and debatable. Inasmuch as no Indian remains appear to be more than from twenty to fifty thousand years old and as man himself

is probably much older, it seems reasonable to believe that the Indian came to America from some other place. His hair, the slant of his eyes, the roots of his teeth, his body lice, and his folklore are all more like their Asiatic equivalents than those of any other place and are circumstantial evidence of Mongoloid origin. The easiest route from Asia to America for a primitive people would have been from Siberia to Alaska, across the Bering Sea, on the ice or in small boats from island to island. The Indians appear to have come that way in successive migrations, spreading southward and southeastward. By his smooth stone tools, his knowledge of the uses of fire, his domesticated dog, his pottery, and his bow and arrow, anthropologists classify the Indian in the stage of culture called "neolithic"; and they believe that he came to America no more recently than fifteen thousand years ago at the latest. He had certainly been here a long time by 1492—long enough for Indian civilizations to rise and fall south of the Rio Grande, and for many Indian languages to develop which differed from one another in some instances as much as French differs from German.

Indian Groups. The most convenient way to classify the Indians for study is by language groups. Within the present limits of the United States, Indians of four main language groups lived: Iroquoian, Muskogean, Algonquian, and Siouan. The Iroquoian were a culturally backward but politically gifted group who were organized in a loose confederation. They lived in the northeastern part of the present United States, centering in upper New York, and dominated neighboring tribes from the mouth of the Saint Lawrence River to the mouth of the Ohio River. Their strategic location as well as the fighting strength of their confederation gave them great influence in Indian and international affairs. The Muskogean group was composed of the Creek and Choctaw confederacies and of other tribes along the lower Mississippi. They resisted the expansion of the British colonies and in this hostility they were encouraged by their Spanish neighbors to the south. The tribes of the Algonquian language group were the most widely scattered of any, and were found from New England to the Rocky Mountains. The Algonquian woods-dweller is the typical Indian of American literature and graphic art. The Siouan were dispersed in small "islands" of population east of the Mississippi (and were also the most numerous Indians of the high plains of the West, where they had little or no contact with colonial Americans).

Seaboard Indian Life. The seaboard Indians with whom the colonists had the closest acquaintance were mostly corn-planting

villagers, not nomads like the plains Indians. Not more than two hundred thousand Indians lived east of the Mississippi River, and the population was static for several reasons. Their numbers were kept down by almost continuous intertribal warfare, they knew practically nothing at all of hygiene, and even if they had been peaceful and healthy they did not know how to get at the omnipresent natural wealth they would have needed in order to support a larger population. These people lived on a steady diet of maize and beans, irregularly supplemented by fruit, fish, and meat. Certain tribes had natural advantages—such as salt springs, flint deposits, or important natural highways—which enabled them to become traders. Others developed skills, of which pottery-making and blanket-weaving are the best known. The typical Indian guide of fact or fiction was usually from such a “commercial tribe”; he knew the country better than the corn planters did. Indian government was tribal. The following description is typical of seacoast tribes. The individual Indian belonged to a *clan* with an elected *sachem* who represented his clan in the *village council* of the *tribe*. Groups within clans elected *chiefs* who led them in battle and who also belonged to the village council. The cleverest or most intelligent member of the village council might be *king* (for example, King Philip). The government of Indians was a government of elders, based on rigid customs.

Effect of White Contact. White traders were responsible for breaking down the Indian’s cultural level in several ways. By giving him firearms and by encouraging him to collect furs the trader helped the Indian down a step, culturally, from farming to hunting. The pressure of white population affected intertribal relations because the pressure was transmitted from tribe to tribe. White men brought European diseases to which Indians had no immunity, so that what was mild and endemic to white men might be a fierce plague to an Indian tribe. (There was probably an exchange in the matter of diseases since, for instance, syphilis was unknown to Europe before the discovery of America and may have been introduced from America.) Traders pitted tribe against tribe in wars, in order to eliminate those who worked for competitors or to open up new regions for trapping. As a regular business practice many traders debauched Indians with alcohol or, occasionally, narcotics, during the course of trading so as to swindle them more easily. Generally the Indians were degraded by association with the whites, and tribal population was often cut in half shortly after contact with the whites. On the other hand, white literary artists, both American and foreign, have idealized the Noble

Savage beyond recognition. A truer picture of the Indians is the composite of missionaries' reports to the effect that they were dirty, cruel, and lazy. Their harsh, inflexible society resisted change so strongly as to break before it bent. As a rule, relations between pioneer whites and Indians were unnecessarily callous and brutal on both sides.

Indian Troubles of the First Colonists. The American Indians were generally friendly on first meeting the whites and frequently wished their help in tribal wars. The first welcome usually changed to resentment, followed by resistance. Of all North American colonists the English met with the most hostility. They were generally unwilling to fraternize or frolic with the Indians as the Spanish or French did. No great English missionary movement cultivated Indian good will, instructed Indians, or sought to protect them from the worst excesses of traders and wilderness speculators in any way comparable to the work of the Spanish and French friars and Jesuits. The English colonists' family-farm system could not incorporate the Stone-Age Indians of the Atlantic seaboard as did the Spanish *encomienda*. Instead the English cut down the forests and frightened away the game on which the Indians lived. Of all American Indians only the Iroquois were consistently friendly to the English.

KING PHILIP'S WAR. In the last quarter of the seventeenth century, the English colonies had a marked increase in Indian troubles. The longest and bloodiest Indian war of the period occurred in New England and is known as King Philip's War, taking its name from Philip, son and successor of Massasoit, a friend of the Plymouth Pilgrims. The causes were material and psychological—material in that the old drama of white hunger for Indian land was replayed, and psychological in that the Indians resented a certain arrogance with which many of the New Englanders carried themselves. The war began in 1675 and dragged out to 1678 on the more remote frontiers. It was fought ferociously on both sides until the final white victory. It is said that sixteen Massachusetts towns and four Rhode Island towns were destroyed or abandoned, and that 6 per cent of the New England men of military age were killed. It had its effect in encouraging the Indians to co-operate with the fraternizing French in later Anglo-French wars.

BACON'S REBELLION. In Virginia, in 1675, Indian troubles led to an outbreak of a different sort. When stiff-necked Governor William Berkeley refused to provide military aid to the western Virginians against Indian attacks, the westerners (already made unhappy by

privileges given to royal favorites and by orders to construct unwanted forts and ports) rose under highborn Nathaniel Bacon and marched on Jamestown, where the governor was cowed into giving Bacon authority to lead them against the Indians. When the governor denounced the permit as extorted under duress, Bacon bound his followers by an oath to support him against the governor. The rebels then drove the governor from Jamestown and burned the town (1676). Bacon died suddenly a month later, and the rebellion collapsed for want of able leadership. Berkeley hanged more than twenty of the leaders for treason, an act for which he was recalled to England and sharply rebuked by King Charles II. The rebellion was significant in that it showed a sharp cleavage in Virginia society: frontier against the seaboard, commoner against aristocrat.

LABOR SYSTEMS

Of those people in America who were employed by others, most were farm laborers. White farm laborers were usually employed under contract for a term of years. Negro farm laborers were slaves.

White Laborers under Contract. White laborers were usually "indentured servants" (or "redemptioners") who sold themselves or were sold into service for a definite period of time. They were almost the only white laborers available, because the vast supply of unuse land and the ease with which it could be taken up made the prospect of working for wages unattractive. This bonded labor was more widely used in the Middle and Southern colonies than in New England because the staple agriculture of those sections could profitably be conducted by routine methods, whereas the thin soil of New England required the loving care of an owner.

INDENTED SERVANTS. In order to go to America, some workers who could not otherwise afford to pay their passage voluntarily sold their services to a shipmaster or other enterpriser, who resold their contracts ("indentures") to a planter needing farm help. Such a worker was usually bound to stay single and to work until his or her agreed-upon term of service expired. After the period of service was finished, a small area of land or a cash payment might be given to the redemptioner—according to law, contract, or custom. Two signers of the Declaration of Independence came to America this way.

UNWILLING SERVITUDE. Some persons were kidnapped and sold under indentures, although this practice was always illegal. In 1717 Parliament regularized the practice of giving convicts the option of "transportation" to bond service in America instead of suffering

sentences (usually death sentences) in England. About a quarter of a million such convicts came to the New World. Those who are made queasy by this truth may take some reassurance from the fact that many eighteenth-century capital crimes were relatively petty offenses by modern standards.

Slavery. Negro slavery was an accepted part of the colonial labor system, and slaves steadily supplanted white bonded labor in the South during the eighteenth century.

GROWTH OF SLAVERY. The growth of Negro slavery in America coincided with the decline in immigration from England and with a growing dissatisfaction with indented white labor, because the ablest white laborers were unwilling to stay as wage laborers when free but usually pushed west to take up land of their own. As soon as the slave trade was opened to private traders (1689), the price of slaves declined and their numbers increased until slaves formed almost 40 per cent of the population of Virginia—which had the largest percentage of any colony. The decline in tobacco prices in the second half of the seventeenth century was one cause of the growth of slavery because the one-family tobacco farm could no longer operate profitably, and it was the large plantation with many slaves which was able to survive.

STATUS OF SLAVES. With the growth of slavery there was a parallel development of servile law until by the middle of the eighteenth century slaves were strictly controlled by laws which prohibited assembly and the bearing of arms, and which regulated hereditary status and emancipation. The institution was perpetuated by the fact that the child of a slave mother took his mother's status. In the latter part of the eighteenth century a few abolitionists might be found, but none compared in zeal with those of the next century, and slavery was accepted everywhere in the colonies. Southerners were commonly convinced that it was indispensable; and moralists justified it as a channel for the Negro from barbarism to civilization, and on the ground that Negroes were better off in slavery than they would be if competing in a free society or if still in African savagery.

TOPICS FOR FURTHER STUDY

1. Write an account of the Ulster Plantation to 1713.
2. What was the attitude of the English Quakers of Pennsylvania toward the flood of German immigrants?
3. Map the distribution of the principal Indian tribes east of the Mississippi as of the end of the seventeenth century.
4. What was the place of the Iroquois in the fur trade of New York?

5. Was there any relation between the effects of the War of the Spanish Succession (1702-1713) and non-English migration to America?
6. Describe the normal practice of the slave trade to America in the eighteenth century.

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Significant Dates

Fur Traders Enter the Piedmont . 1650

Heyday of American Piracy 1690-1725

Establishment of Post Office . . 1710

First New York Theatrical Season 1750

CHAPTER V

AMERICAN SECULAR LIFE

ECONOMIC LIFE

The economic life of the thirteen colonies gradually developed into distinctively American arrangements and methods—generally, but not always, based on some kind of agriculture.

Through the entire colonial period the overwhelming majority of Americans were farmers. They farmed by ancient methods and used crude implements which had not been much improved during the Christian era. They used their land without rotation or replenishment, because it was cheaper (in the short run) and easier to take up virgin soil when the older fields were worn out. The only novelty in their agriculture, apart from the habitual wasting of the soil, was the cultivation of new basic foods which they learned of from the Indians. Today over half of the major crops of the United States consist of plants domesticated by the Indians. These plants, such as the white potato, have changed the world's diet.

Aside from the multitude of farmers, a minority of Americans fished, trapped fur-bearing animals, extracted forest products, built and manned ships, or engaged in buying and selling merchandise.

New England. The people of New England made their living for the most part from farming, but also from fishing, trade, shipping,

and manufacturing—all of which were encouraged by the geography of this section.

AGRICULTURE. New England agriculture was almost completely a subsistence farming carried on to support the farm family and also produce a small surplus that could be traded or sold to buy the family's salt, sugar, tea, and coffee. The New England farmer was a man of many skills—lumberjack, hunter, trapper, fisherman, and artisan, as well as husbandman. His principal crops were cereals, but he also produced beef and mutton. His draft animals were horses and oxen.

FISHING. New England's closeness to the great banks of the north Atlantic was exploited from the beginning. The best grades of fish were packed and sold to the Catholic countries of southern Europe, the middlings were consumed at home, and the lowest grades were sold to the plantation owners of the West Indies as food for slaves. The allied industry of whaling was also followed, and by the middle of the eighteenth century whales were hunted almost everywhere in the north and south Atlantic. Whale oil and whalebone ("whale fin") were standard New England commodities of trade.

TRADE. Outbound New England ships carried rum, fish, and lumber to many ports of the Western world. "Triangular trades" were built up. One triangular voyage which was made by many ships carried forest products to England, manufactures from England to the West Indies, and molasses, sugar, or coin from the islands to their home ports. Another involved carrying rum to the slave coast of Africa, slaves to the West Indies, and the usual West Indian products to New England. Because the French West Indies produced more molasses than the British West Indies, an illicit trade with the French islands was carried on. In America no moral disrepute attached to smuggling nor was there much risk in it until the 1760's. In southern waters there was more danger from pirates than from the Royal Navy. The West Indies provided safe lurking places, ready receivers, and a rich trade to prey on; and piracy was a danger there until the early nineteenth century, although its heyday was reached in the years 1690–1725 and it declined thereafter.

SHIPBUILDING. Where forests march down to the sea at an inhabited and broken coast, as in New England, men build ships. The New Englanders built sturdy seagoing vessels from the earliest days of settlement; and in accordance with British mercantile principles which favored the carrying of British cargoes in British bottoms, this industry was encouraged by law.

MANUFACTURING. The largest New England manufacture in the eighteenth century was the distilling of rum, which was used, for example in the slave trade, as currency. Rhode Island was the rum-making center. In addition there were small handicraft industries which were the predecessors of later New England industries demanding precise workmanship.

The Middle or Provision Colonies. New York, New Jersey, and Pennsylvania taken together formed a section that has been fitly named the "provision provinces." Their economy was more diversified than that of their neighbors north and south and was based on the production of surplus foods, on furs, manufactures, and trade.

AGRICULTURE. The Middle colonies had a richer soil and more diversified crop programs than New England, which enabled them to secure a greater yield and thus to have a surplus of cereals, meats, vegetables, and fruits for export.

FUR TRADE. The fur trade had been the main interest of the Dutch in the Hudson valley and it was continued by English newcomers with as much interest. Much of the fur traffic passed through the country of the Iroquois, who were middlemen of the northeast owing to their strong geographic position and to their military power. In the eighteenth century the centers of fur trapping had moved to the west of the Appalachians.

MANUFACTURES. Forest products and distilled liquors were among the commodities of the Middle colonies, and despite the discouragement or prohibitions of English mercantile law enough iron and textiles were produced to alarm English manufacturers.

TRADE AND COMMERCE. Before New Netherlands became New York, Dutch shipmasters carried a large share of the coastwise trade; and throughout the colonial period New York was the first port of the Middle colonies, although after it became British its commerce was less than Boston's. Pennsylvania and New Jersey had a miscellaneous trade through the port of Philadelphia, and Pennsylvania's silver balance grew to be large.

The South. The plantation provinces of the South depended upon a staple or one-crop agriculture although the planters of some districts practiced diversified farming. From the beginning of these colonies, farmers had saved labor at the expense of the land, since land was more easily had. The habitual land butchery which was practiced has been the curse of American agriculture ever since, and the progressive desiccation and sterilization of vast areas have been checked only in the twentieth century. Chronologically, the settlement

and exploitation of the South occurred in five successive divisions: the tobacco land, the rice and indigo land, the timber and naval-stores belt, the back country, and, finally, the coastal commercial towns.¹

TOBACCO LAND. Until the years of the American Revolution, tobacco was the most valuable American export, being sold to the whole world by way of British agents. Nearly all the tobacco was grown in Maryland, Virginia, and North Carolina by planters who produced much of their own subsistence but who relied on this staple crop for credit with British merchants. Constant cropping, without rotation or replenishment of the soil, caused a steady decline in production per acre and per worker until the planters who lived in great establishments went steadily into debt to maintain a baronial standard of living and came to consider heavy indebtedness to be their customary and almost inevitable lot. The clumsy marketing procedures frequently returned only about a third of the gross proceeds of a harvest to the planter, who came to regard the commission agents with suspicion and hostility. There was fault on both sides. Agents cheated planters, and planters tried to maintain a higher standard of material life than tobacco planting would support.

RICE AND INDIGO. In the eighteenth century great rice and indigo plantations were cultivated in the Carolinas and Georgia. Both were profitable, and indigo was subsidized by Parliament because it was the principal blue dye used in English woolen industry.

NAVAL STORES AND TIMBER. Pitch, tar, turpentine, and lumber were especially valuable to the Royal Navy, and their export from America was encouraged by the home government. They were produced in most of the colonies—but especially in the Carolinas, which also sold much lumber to the West Indies for building purposes.

THE BACK COUNTRY. The high country of the Southern colonies west of the tidewater was originally exploited by fur traders who explored it well—the first known expedition being in Virginia in 1650. The most important Southern peltries were deer skins. Following the fur traders came cattle grazers, whose cattle industry had characteristics similar to those of the Great Plains in the nineteenth century. Freedmen from the tidewater, small farmers who found it difficult to live among the great estates of the coastal lowlands, and eighteenth-century immigrants who came down from Pennsylvania eventually made the Piedmont plateau an upland democracy of yeomen farmers. Separated as they were from the tidewater settlements by the fall

¹ It should be remembered that cotton was only a minor crop as late as 1790.

line and by a belt of pine barrens, they became a distinct sectional society.

Currency. Colonial businessmen were always handicapped by a shortage of coins and by the absence of banking facilities. Coins were few in America because American debtors sent to British creditors practically all the foreign coins they picked up in trade elsewhere. Few British coins came to America, since Southerners spent their profits in England and since the Northern colonies had an unfavorable balance of trade with the British Isles. Furthermore, the issue of colonial bills of credit to circulate as legal tender brought "Gresham's law"¹ into operation and drove coins into hiding. Beginning in 1652 Massachusetts Bay coined "pine-tree shillings," but the practice was stopped by the London government in 1684 because coinage was really the act of a political sovereign and could not be tolerated when done by a colony. Colonial shipmasters brought in foreign coins, the best-known of which were the Spanish "pieces of eight" and milled dollars (from which our present unit of exchange is derived). As a "medium of expression" the English shilling was used, and foreign coins and American commodities were given local shilling-values for convenience. Polished shell beads on strings, called "wampum," were made by Indians, who valued them as ornaments and circulated them as a primitive currency. Since the Indians would accept them in the fur trade, the early white colonists were able to use wampum as currency among themselves. The colonists used many expedients to meet their problem: receipts for commodities, due bills on London merchants, fiat money (receivable for taxes), and the notes of "land banks" (which were mortgage notes secured by land). The continued opposition of the British and of a few wealthy American merchants to various colonial paper-money schemes was a frequently-mentioned grievance of the colonists.

Trends and Tendencies. Certain practices and trends of colonial economic life ultimately caused sectional antagonisms. The engrossing of large tracts of land by speculators was resented by men who hoped to take up small acreage, because it raised the price of tidewater land by limiting the supply or by monopolistic fiat. The exhaustion of the lowlands by wasteful farming methods encouraged migration and thus increased the population of the west. Other tendencies of the economic system were to influence the course of colonial

¹ "Gresham's law" is the name given to the economic principle that the worst form of currency in circulation drives all other forms of currency out of circulation; i.e., the more valuable coins are hoarded.

events: (1) the growth of slavery, (2) the immigration of indentured servants, (3) the ruthless exploitation of soil and forests, (4) the slow but perceptible increase in manufactures, (5) the expansion of trade with places outside the empire, and (6) the rise to power of classes of seaboard dwellers who did not admit newcomers to politics but did require them to carry a share of taxation and to take care of Indian troubles by themselves.

DAILY LIFE

The new environment contributed to establishing the first elements of a distinctively American social and private life.

Family Life. Since most settlers of the thirteen colonies regarded themselves as permanent residents, they brought their families with them. They believed that family life was part of the Christian tradition, and this strengthened both religion and the family. The family provided valued companionship and the family-sized, family-owned farm as a quasi-religious and economic unit has been an almost indestructible American institution wherever soil and climate have permitted. Marriage was very stable, with adultery severely punished and divorce practically unknown (although desertion was not uncommon). Families with from ten to twelve children were average, and larger families were frequent. The infant mortality rate was very high. Marriage at the age of fifteen or sixteen was usual, because in an agricultural society there was no economic inducement to put off marriage and because the general weight of legislation and custom favored the family, often at the expense of bachelors. Married women had no legal existence apart from their husbands, but there was no public complaint and feminism was unheard of in the colonial period.

Amusements and Diversions. Heavy drinking was the chief diversion of the colonists, and not until the eighteenth century was much done to curb the immoderate use of alcohol; there was no prohibition movement in colonial America. Lotteries, public and private, were popular during the eighteenth century. Fairs were held annually or semiannually in most colonies, primarily for trade but with many events and features solely for entertainment. The professional theater came late to America and dates from a company of players who spent a season in Philadelphia, 1749-1750, and in New York, 1750. Southern social leaders copied English aristocratic amusements: cards, checkers, chess, backgammon, dancing assemblies, horse racing, cock fighting, fox hunting. From the foregoing catalog, it is plain that the vast majority of people did not participate in planned

amusements on a scale which at all approaches modern mass entertainment.

Beginnings of City Life. At the opening of the Revolution there were several cities which would meet the definition of "city" today. Among them were (with populations, 1774): Philadelphia (40,000), New York (30,000), Boston (20,000), Newport (12,000). Philadelphia could be accurately compared with an English provincial city of that day, since it was the second largest city of the British empire and had the chief concentration of energy and wealth in the colonies. These communities were the intellectual centers from which ideas percolated to the rural districts. Only one (Philadelphia) had a prior street plan, but each had some pavement by 1776 and each provided some sort of volunteer fire-fighting force by that time. Sanitation was commonly the job of pigs which ran wild in the streets, and wells or municipal hand pumps provided the water supplies. Most cities required observance of a curfew as a fire-prevention measure. Life and property were usually safer than in England, probably because the extremes of wealth and poverty were not so far apart.

Travel and Communication. Throughout the colonial period the best travel routes were water routes, since there were only inferior roads. Not until the latter half of the eighteenth century were there any common carriers on the roads, and few colonists traveled by land except by necessity. For most people it was easier to get to England than to the next colony. Despite the primitive transportation system, an American postal system was established in 1710 and by the 1760's it was efficient enough to play its part in the unification of the colonies which made the Revolution possible.

Care of the Destitute and Sick. The growth of population brought a corresponding growth of problems of distress. The closeness of the legislators to the people and the charity of the several religious bodies meant that vagabondage and indebtedness were more generously treated than in England. Policies varied from colony to colony, but most made some specific provision for the sick, the insane, and the aged. Families were expected to care for their own, and the law enforced that principle.

Housing. Early colonial housing was the equivalent of the housing of European peasants. Later, particularly in the eighteenth century, more luxurious European houses were copied for the upper classes. The log cabin, which was introduced by Swedish settlers on the Delaware and by German settlers in Pennsylvania, was quickly adopted by frontiersmen who took it west with them as they advanced.

Except for wood and stone, building materials were always scarce; and it was not unknown for the nails in a house to be worth more than all the rest of it together. Housing and furnishings were crude for the majority of the people.

Clothing. Most people wore homemade leather and homespun clothing. The gorgeous colonial dames and sires of modern commercial art represent at best a tiny minority of the colonial population. In the early period, especially in New England, clothes were regarded as a badge of social rank, and all people except the wealthy or well educated were supposed to dress simply and soberly. Attempts to enforce this notion were difficult and were abandoned in the eighteenth century.

TOPICS FOR FURTHER STUDY

1. Explain how geography influenced the economic life of New England before the American Revolution.
2. Write an account of the carrying trade which was centered in New Amsterdam before 1664.
3. Describe and comment on the method of marketing tobacco in the colonial period.
4. What was the effect of Southern agricultural practices on the Southern soil before the Revolution? Illustrate.
5. Describe the appearance and life of one of the following cities on the eve of the Revolution: Boston, New York, Philadelphia, Charleston.
6. What was the status of women in the colonial period?

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Significant Dates

Calvin's <i>Institutes</i>	1536
"Halfway Covenant"	1662
Whitefield's First American Visit	1738
Edwards' <i>Freedom of the Will</i> .	1754

CHAPTER VI

AMERICAN RELIGIOUS LIFE

THEOLOGICAL AND ORGANIZATIONAL DIFFERENCES

The men and women of the colonial period were essentially religious and lived in an age when religious convictions and differences were taken very seriously. Five systems of theology were widely accepted in the colonies, and there were three typical forms of church government.

Theological Differences. Practically everyone in the thirteen colonies believed in a personal God who had created the universe, and most accepted the divinity of Christ; nearly all were Gentiles and nearly all were Protestants. Furthermore, the religious groups had certain fundamental agreements: they believed in the immortality of the soul and in an afterlife of reward or punishment; the Bible was accepted as an inspired revelation, the authors of which had been protected from error. Despite these basic agreements, however, theological views did vary widely. The schools of theological thought most popular in the colonies were Calvinism, the "Foederal and Covenant" system, Arminianism, and Antinomianism. The few Catholics could be classed as adherents of Scholasticism, the theological system of the medieval schools—hence the name.

CALVINISM. The principal Calvinist groups in America were the Presbyterian, Huguenot, and Dutch Reformed. Although these

groups were known for their precise and rigorous moral code, the most striking Calvinistic tenet was the doctrine of predestination as elaborated by their intellectual leader, John Calvin (1509–1564), according to which those who are to be saved were predetermined by God. Despite the fact that no act could change one's destiny, it was considered possible, by close self-examination, to learn whether one was to be saved or damned. Calvin's best-known work was his *Institutes of the Christian Religion* (1536). Few Englishmen could bring themselves to believe Calvin; but the doctrine was brought to America by Scots and others, and the rigid moral code of Calvinism has affected many people who have in most other matters rejected Calvin's theology. The moral code can be summarized briefly by saying that pleasure was proper only in connection with some useful occupation. Because all useful occupations except those which were clearly necessary were forbidden on Sundays, the American Sunday became a day of quiet restraint unlike the day of active recreation it was in southern Europe, the Catholic German states, and England.

"FOEDERAL AND COVENANT." The Federal and Covenant theological system was that adhered to by the Puritan Congregationalists of New England (contrary to popular opinion, the people of New England were not formally Calvinist although their morals were almost indistinguishable from those of the Calvinists). They held a modified predestination in which the only predestined persons were infamous criminals and others of openly scandalous lives. All other people could be saved through Abraham's Covenant with God. Pardon for the original sin of Adam was secured by asking God for it, by doing good works, and by obeying the Commandments. There is an obvious similarity between their ordinary theological concepts and the books of Exodus and the Psalms, and they thought of themselves as like the Israelites, a people chosen to guard a holy experiment in a strange land. They took their pleasures less sadly than the Calvinists, but in the eighteenth century were notable for a harsher, bleaker morality than their founders had had.

ARMINIANISM. The theological ideas of Arminius (1560–1609), a Dutch theologian, were brought into the Church of England by Archbishop Laud. He wrote that salvation depends on one's own will, and that none are predestined. His views were widely held among Church of England clergy (but not by clergy in the Netherlands).

ANTINOMIANISM. The awkward term "Antinomianism" is used to designate that body of doctrine which has as its central tenet a conviction that those who are converted receive an "inner light"

or direct inspiration from God and therefore require no intermediary with God. The general tendency among the earlier Antinomians was to regard learning and scholarship as superfluous. They therefore practiced a complete spiritual equality. In America Antinomianism was represented by Anne Hutchinson and her friends in Massachusetts Bay in the years 1634 to 1637, by the Society of Friends (called "Quakers"), and by a number of German groups. Usually they were pacifistic, aloof, opposed to oaths, and opposed to recognizing any man or thing as superior to another. Their morality in America was usually stern and strict, although the excesses of European Antinomians gave them a reputation for laxness approaching anarchy. The Hutchinson group in Massachusetts threw that colony into an uproar in the "Antinomian controversy," which became a political cause. In commenting on sermons to friends gathered for the purpose, Mrs. Hutchinson had taught that self-illumination took priority over the clergy's precepts. With a clergyman, the Reverend John Wheelwright, she was banished from the colony in 1637; and she was later excommunicated. She went to Rhode Island, whereas Wheelwright led some followers to settle in New Hampshire.

CATHOLICISM. Catholicism, as has been said, had few adherents in the thirteen colonies. Its theological system is the easiest of all to study since it has changed in no important particular. The word "Catholic" comes from a Greek word meaning "universal." Its communicants described their church as the same congregation of the faithful (which was founded directly by Christ) who, being baptized, profess the same doctrine, partake of the same Sacraments, and are governed by their lawful pastors under one visible Head, the Pope. It taught that man has free will and can be saved by deliberately choosing to be saved through believing and doing good works. The Catholics of the British colonies in America were usually under the direction of the Vicar Apostolic of London, who was appointed by the Pope.

RECAPITULATIONS. The distinguishing mark of most colonial religious groups was their difference on the question of man's relation to God, which may be recapitulated as follows: (1) The Calvinists believed that God had already made up his mind regarding each man's salvation and that there was nothing one could do about it. (2) The Federal and Covenant men said that one must ask for salvation. (3) The Arminians (and Catholics) said that one must besiege God persistently for the grace of salvation. (4) The Antinomians thought God would say whether one was saved, and that,

if so, there would be a constant communication between Creator and creature.

A NOTE ON PURITANISM. The terms "puritan" and "puritanism" can be easily misunderstood, since they represent different views of different ages. Generally a puritan was one who took a precise, or exacting view of some matter. The puritan of one generation might be precise about morals, but in another generation a puritan might be one who was precise about the liturgy. The words have been so loosely used that it might almost be better to adopt the contemporary "precision" and "precisionist," for historical use today.

Organizational Differences. There were three general forms of church government in America, the congregational, the presbyterian, and the episcopal—which, by analogy, correspond roughly to democracy, republicanism, and monarchy.

THE CONGREGATIONAL. By "congregational" is meant a form of church government in which each congregation is self-governing. In the broadest sense, this would include the Baptists of Rhode Island and elsewhere, and the Quakers; but it is usually used in connection with the New England churches who adopted this form because they believed it to be the earliest form of the Christian church. As self-governing congregations who appointed their own ministers (to life tenure) they tended to differ among themselves doctrinally until eventually they changed considerably from the views of the founders. It should be remembered that the people, not their meetinghouse, were the "church." All the residents belonged to the congregation, but only "members" who met certain qualifications belonged to the "church." A new "church" would be founded in a new town by three or four members of an old one. The members dispensed charity out of the church funds, and watched over each other's morals in a way which would be intolerable to most people today but which was considered mutually helpful then. Originally, public confession and a description of the experience of "conversion" were required for full church membership. This requirement was too difficult for many people to meet, yet some political rights depended on church membership. In 1662 it was agreed by the "Halfway Covenant" that baptism alone would suffice for securing the political right of participation in town government. This can be interpreted as showing a certain cooling of zeal in the second generation of New England settlers.

THE PRESBYTERIAN. The "presbyterian" form of church organization was a government of seniors. In each church there was a *consistory*, made up of the pastor and elected elders. Each consistory

sent representatives to a *presbytery* composed of several consistories. Presbyteries were grouped in a *synod*, and in 1788 a *general assembly* was set over many of the American synods. The name is commonly confined to bodies known as "Presbyterian churches," but the form has been used by other denominations, notably the Lutherans.

THE EPISCOPAL. The term "episcopal" is applied to churches governed by bishops, in the sense of a group of parishes or congregations being governed by one man. In America it applied equally to the Catholics (from whom the form is inherited by others), to the Church of England, and to the Methodists, who were originally a movement in the Church of England but later established the Methodist Episcopal churches. None of these groups had a bishop in America before the Revolution, the Anglicans being under the Bishop of London. Owing to the distance from London, many Church of England parishes were, *de facto*, governed by their vestries—which consisted of the pastor and certain elected lay vestrymen. Thus in practice it gave them an organizational similarity to the presbyterian form. The Church of England was established in many colonies, but its centers were Maryland and Virginia.

"THEOCRACY." New England government (and particularly that of Massachusetts Bay) is frequently described as a "theocracy," a word meaning a form of government in which political power is exercised by a priestly or clerical caste. This was not strictly the case. The clergy, by their social and religious position, were most influential; but their authority in temporal matters was indirect and quite outside the legal framework of the state.

RELIGIOUS CURRENTS

The religious life of colonial America showed a continuous decline of fervor, a multiplication of sects, and a rise of "toleration."

Decline in Fervor. The general tendency of American religious groups was to relax the intensity with which they held to belief and practice. There was a parallel loosening of morality as shown by an increase of drunkenness in the eighteenth century, to take but one example. The cooling of their zeal was due in part to the fact that many groups found what they were looking for—that is, a district where they could settle in a homogeneous unit in which they had no "competition." Another reason for the decline was that an abstract study such as theology demanded a literary education and a thoughtful leisure which was simply not available to the vast majority of hard-working colonists. This decline of fervor did not mean a

corresponding growth of an attitude of indifference to religion, but merely a slackening of interest and a scaling down of the pitch of feeling about these things.

Multiplication of Groups. On the eve of the Revolution there were about three thousand religious units (parishes, societies, congregations, missions, and stations) in the thirteen colonies. They were divided among the following groups in order of decreasing number: Congregational, Presbyterian, Baptist, Church of England, Society of Friends (Quakers), German and Dutch Reformed, Lutheran, Catholic, Jewish, and several Pennsylvania German groups. Methodism had been introduced into the colonies in the 1760's but was not yet separated from the Church of England. The United Brethren in Christ were formed from several American groups during the Revolution.

The Great Awakening. In the 1730's and 1740's a great religious revival called "the Great Awakening," swept the American colonies. The aim of its leaders was not to propagate a new doctrine, but to revive the enthusiasm which they knew was cooling. It was chiefly a lower-class movement.

LEADERS. Among many leaders, two were particularly outstanding. George Whitefield (1714-1770) evangelized chiefly the Southern colonies beginning in 1738. He was ordained in the Church of England, but in practice disregarded this connection. He was not a theologian—in the sense that the other leader, Jonathan Edwards, was—but conducted revivals, preaching from forty to sixty hours a week for years on end. He appealed directly to the masses with a preaching voice that could be heard by twenty thousand people at once, and he drew audiences too large to be housed. Jonathan Edwards (1703-1758) led the Great Awakening in New England, with a keen intellect, bold spirit, vivid and earnest speaking style, good imagination, and great zeal. In doctrine, he was a thorough Calvinist and based his preaching on the work of preceding Puritan theologians. In his family he was in the fourth generation of religious leaders, and had been a boy prodigy who had entered Yale at the age of thirteen. His principal book was . . . *The Freedom of the Will* (1754), which influenced American religious thought for a century.

METHODS. The central fact of the revival was the "experience of conversion." The preacher began by inculcating a self-realization of the unworthiness of his listeners, and then added the element of fear of damnation. Terror in the listener increased until suddenly it broke in a sudden release, born of a feeling of "conversion" to

God's program. The reaction of relief, and gratitude for the mercy of God, was sometimes so great as to bring on hysterical jerks and shouts. Although this sort of emotion is alien to most Americans today, it can be understood as sincere and as due in part to the intellectual barrenness of eighteenth-century rural life. The great dependence upon the powers and judgments of the individual in American life bred a strong self-confidence and individualism so that preachers felt they had to frighten their audiences in order to get a hearing.

EFFECTS. The Great Awakening set influential ideas floating in the colonial mind, some with great ultimate consequences. It weakened upper-class control and strengthened the congregational form of church government. Several of Whitefield's humanitarian ideas were novel, particularly his advocacy of missions to the slaves when coupled with his disapproval of holding Christians in bondage. The Congregational and Presbyterian churches were split, with some following the older Arminian doctrines, and some emphasizing the "conversion" experience; many of the latter went into the Baptist church. English-speaking missions to the Indians were encouraged (without much success). Revivalists attacked existing colleges as overliberal, and this led to the founding of Princeton and Dartmouth. Perhaps most important, revivalists continually urged the priority of Divine law over human law, thus helping to popularize an important concept which later was continually brought to mind to justify the Revolution.

Religious Toleration at the Beginning of the Revolution. The effect of the multiplication of sects generally favored religious toleration, the independents acting in self-defense to free each other from disqualifications. Only the Church of England and the New England Congregationalists had formal unions with the state. Religious "indifferentism" was under legal disfavor everywhere. Protestants were completely free in Rhode Island, Delaware, and Pennsylvania, and were nowhere persecuted, although dissenters from prevailing views might be under political disabilities. Catholics were generally uncomfortable. In Rhode Island, the first home of the free conscience in America, they were technically (but not actually) disqualified from holding public office, 1719-1783; and in "Catholic" Maryland the English penal laws against Catholics were occasionally enforced, particularly after 1692. The final working out of the American theory of religious freedom took place in the states following the Revolution. Only the beginnings of the theory were apparent before then.

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Significant Dates

Harvard College	1636
Salem Witchcraft	1692
<i>Boston News-Letter</i>	1704
American Philosophical Society .	1743
Orpheus Club of Philadelphia . .	1759

CHAPTER VII

CULTURAL SEEDS AND TRANSPLANTINGS

THE BRITISH TRADITION

In the first half century of settlement more people came to the British colonies from England than from other places, and during the whole of the colonial period the majority of people were of English ancestry. They lived by British customs and habits in language, literature, politics, and law. Those who came later accommodated themselves to this British tradition.

The English Language. English persisted everywhere as the language of daily life, although it was modified and was becoming what has been called "American English."

PERSISTENCE OF ENGLISH. The English language was almost everywhere in possession when the great waves of later immigration began. Its predominance was never seriously threatened, although some inhabitants of Pennsylvania believed that German might become the common tongue there.

AMERICAN ENGLISH. New situations and circumstances in America required experimenting to find ways to express new ideas.

Indian words for strange objects were adopted, and Indian place names were used. Words from the Germans, Dutch, French, Spanish, and Negroes were "naturalized." New combinations of old words were invented. The meanings of some English words were changed, and some words which became archaic in England were retained in active use.

The English Literary Tradition. The persistence of English as a language meant that English literature was known in America. If America had developed a voluminous and absorbing literature of her own, English literature might have taken a secondary place. And if America had been clearly isolated from England, English literature might have been unknown. Neither of these contingencies happened, and ships from England carried works of English scholarship and literary art to America at all times, so that American thinking was cast in an English mold. (Continental writers were also known, but no more widely than they were in England.)

English Political and Legal Concepts. Although colonial politics and legal institutions had an American flavor, they were a growth from the English tradition and did not represent a break with it.

AMERICAN GOVERNMENTS. The development of most of the colonial governments illustrates the Americanization of British foundations. Among the proprietary colonies, all except Pennsylvania were "as of the palatinate of Durham," and hence were petty monarchies. As in England all new laws were promulgated and new taxes were levied only with the consent of the freemen. The governor was the agent of the proprietor.¹ Generally speaking, each government was headed by a governor and each had a two-house legislature with the upper house appointed for long terms and the lower house elected by a body of voters who had to meet certain requirements of property or religion or both. Usually each house could initiate legislation. There were more variations among the nonproprietary colonies, but none of the differences were substantial. In Massachusetts Bay, which was the most populous of the New England settlements, only freemen voted and held office in the seventeenth century, only church members were freemen, and only men approved by the clergy were church members—hence the use of the term "theocracy" to describe their government.

¹ Maryland and Pennsylvania were the only proprietary colonies remaining as such at the beginning of the Revolution, the others having been made royal colonies.

In local government the ancient English institutions of county, parish, manor, and borough were paralleled in many places in America. The county was universal. The parish was a reality in the South. The manor was especially promoted in Maryland; and the New England town, in many respects, seemed like a manor without a lord. The borough was one of the units of representation in Virginia's "House of Burgesses"—hence the name. But in every case these transplanted institutions took on a new and American character.

AMERICAN LAW. "American law," if the term can be tolerated as applied to colonial law, was not uniquely American but had some distinctive tendencies. There was actually a greater divergence from English law in the seventeenth century than in the eighteenth century, because of reverence for the legal codes of the Old Testament, because of frontier isolation, and because there were few lawyers. In the eighteenth century the differences were lessened. The growth of towns and the appearance of a propertied class demanded precise settlement of disputes. The decline in the intensity of religious conviction in New England caused a partial abandonment of the hope of finding a specific moral rule in Scripture for every possible legal problem. Lawyers trained in the English common law began to practice in most American communities. Finally, the British government made a conscious effort to reduce the gap. For example, it provided for review of colonial legislation by the Privy Council and heard appeals from colonial courts. As a rule, legal procedures in America were simpler than in England. In the most essential practices American law, despite certain variations, was substantially like English law. The variation in criminal law was especially notable since the number of capital crimes was very much smaller.

POLITICAL AND CONSTITUTIONAL THOUGHT. Before the Revolutionary generation, there was not much occasion for political and constitutional theorizing. In 1728 the elder Daniel Dulany of Maryland—in *The Rights of the Inhabitants of Maryland to the Benefit of the English Laws*—by incorporating two traditions, argued that Americans had a right to British freedom, first, from legal and constitutional history and, second, from natural law. This doctrine of historical and natural rights was to be much more important forty-odd years later.

AMERICAN POLITICS. American political life had characteristics of its own. The propertied leaders wanted government by the few but were opposed on the frontier, where commoners seized economic opportunities and lost their one-time docility. Another American

singularity was that the constant reference to colonial charters accustomed everybody to written political instruments. Again, political liberty was not inconsistent with aristocracy in England, where few owned property; but in America there was a multitude of small landowners who were taxed directly and who contended for a direct voice in government. The weight of small ownership was in the direction of democracy, and the conflict of the few and the many has always been one of the principal marks of American history. Two other characteristics of American politics that might have impressed a visitor, but which were often taken for granted in America, were the separation of church and state in some colonies, and the vigor of local governments in most colonies.

Social Stratification. Reflecting European views, the people of the settled parts of the thirteen colonies were class-conscious. At the head of colonial "society" were the governor and his satellites of the appointed council. A gay life at the diminutive provincial "court" was the hope of many members of the colonial upper classes. Quite independent of European origin was the development of a native aristocracy, requirements for admission to which varied from section to section. In New England, both birth and wealth entered into calculations of social rank. In New York, the landed gentry mixed with the wealthy merchants by marriage and the resulting mixture was the native aristocracy. Pennsylvania was ruled by the rich Quaker families in the eastern districts of the colony. The South had fewer merchants, and its social system was based on land. Its stratification was more rigid than that of the North and embraced four groups, in order of station: the great planters, the small farmers, the indented servants, and the slaves. It is a popular misconception that the Southern caste system came into being because of an original migration of many of the English aristocracy. The fact is that the use of slaves and the engrossing of vast wilderness tracts led to a land monopoly which could not be cracked by the rest of the people—they could either stay in their social ranks or could move west.

ROOTS OF CULTURE

The colonial era saw the beginnings of formal education, of arts and literature and of learning.

Elementary Education. At the time of the American Revolution, the Americans on the average were not so well educated as the first settlers because the necessities of wilderness life took priority over formal schooling. Nevertheless, there were developments which

were important for American education. The colonial people had certain educational axioms which they had brought from Europe: (1) education should be religious, (2) education should be parochial, and (3) education should be free to "paupers." As in Europe, the upper classes frequently engaged tutors for their children.

MASSACHUSETTS. Massachusetts Bay established the first school system in New England, and its practices were copied elsewhere in that region. The support of schools was believed necessary for the purposes of both church and state. Schools were tax-supported and free to all, an arrangement which contributed to the American idea of the public school. In 1642 education was made compulsory by law with responsibility resting directly on the parents, who would be fined if they neglected to teach their children to read. This early law failing to secure the desired results, in 1647 the responsibility was shifted to the towns, under penalty of a fine on the town for noncompliance. Towns of fifty families were required each to support a teacher for an elementary school. Towns of a hundred or more families were required each to maintain a grammar school. The doubling and redoubling of legal penalties in later years suggests that some towns evaded the law. In the following century the "district school" became familiar, owing to the scattered settlement of many interior towns which made the town school difficult to establish.

NEW ENGLAND IN GENERAL. By 1689 all of New England except Rhode Island had compulsory education. At the base of the system was, usually, the "dame school," a neighborhood school for small children. At age seven or eight, the boys (and sometimes the girls) entered the nearest "grammar school." They attended the grammar school until about fifteen, at which time some went on to college. At the center of the grammar-school curriculum were the classical languages, Latin and Greek. Corporal punishment was universal. Each child received a good deal of individual attention and instruction. Coeducation was not common in the lower schools, and it was taken for granted that women did not go to college. Private schools for girls were established and were the colonial equivalent of the modern finishing school.

OTHER COLONIES. Outside the towns, educational opportunities were very much restricted south of New England. So long as education was considered as a church function and so long as population was scattered, the parochial school system was handicapped by the diversity of belief and by the distances to be traveled. In New England a primary work of schools was the preparation of young men

for a learned clergy, but in many parts of America a learned clergy was not desired. The principal agencies of elementary schooling were: (1) some "pauper" schools directed by the governments or by congregations, (2) scattered parish schools, usually conducted by the Anglican clergy for the sons of gentlemen, and (3) tutors, who were engaged to instruct the children of the wealthy. As a result of the difficulties and the lack of a systematic approach to the problem, it was practically impossible for any but the upper class to receive more than the barest rudiments of a formal education, unless some rare genius taught himself. In the Southern colonies, it has been estimated, about half of the adult males and more than three-fourths of the adult females were illiterate at the end of the seventeenth century, and life was coarser than can easily be imagined.

Colleges. Nine colleges were founded in the colonies before the Revolution.¹ The principle of religious education is illustrated by the fact that eight had connections with religious groups. The earliest was Harvard (1636) at Cambridge, Massachusetts. In the late eighteenth century it usually numbered about two hundred students, taught by the president, two professors, and four or five tutors. Freshmen were admitted by examination, which included sight-reading of Latin, and were taken in charge by the sophomores, who occupied the newcomers' spare time by assigning errands and other services. Commencement was the great college festival, with parents and well-wishers camped on the common, a stray Indian or two wandering about the college yard, an occasional dash of rum to ward off melancholy—the whole being like a village fair but rather more violent. The colonial colleges were true colleges of the liberal arts and sciences, and their curricula reflected those of the English universities. The first years were devoted mainly to Latin, Greek, Hebrew, and a little mathematics. In the junior year there were book-and-lecture science (with demonstrations taking the place of today's laboratory work), oratory, and church history. In the senior year students studied ethics, philosophy, and Christian apologetics. It was on this sort of curriculum that the minds of the bachelors of arts among the founders of the United States had been fed.

Periodicals. Colonial intellectual life was stimulated by a steadily increasing number of periodicals, chiefly newspapers and almanacs.

NEWSPAPERS. Seventeenth-century America lacked newspapers,

¹ Harvard, William and Mary, Yale, Princeton, Pennsylvania, Columbia, Brown, Rutgers, and Dartmouth. Several of these institutions had other names in their earliest years.

but in the eighteenth century they were as numerous as they could be in an agricultural society where illiteracy was common. There were no daily newspapers. Most were published weekly in a form something like that of the modern tabloid, with from one to four sheets printed on both sides. Unlike today's newspapers, they had no shouting headlines, no syndicated features or comics. Much of the matter was selected by the editor to illustrate or support his personal viewpoints. The editor was usually publisher, printer, and carrier; and his newsgathering was unsystematic. He relied on clipping other papers (particularly European journals) and cared nothing for "scoops." Space was filled by the publication of histories and geographies in serial form. For all the differences, the small local stories were surprisingly like those of the rural press today. After the founding of the *Boston News-Letter* (1704) there was a steady increase in the number of newspapers. Although many of them had died, at the outbreak of hostilities in April, 1775, there were thirty-seven in regular publication, mostly anti-British because (among other reasons) they resented the Stamp Act by which the press was taxed. The trial and acquittal of John Peter Zenger, editor of the *New York Weekly Journal*, on a charge of libeling the governor (1734) is considered a victory in the fight for freedom of the press.

MAGAZINES. Not so successful as the newspapers were the magazines. About a dozen were founded in the colonial period of which only one survived for as long as three years. The weekly newspaper, with its literary reprints, filled whatever need existed, and the magazines were choked off although a few from London were regularly read in America.

ALMANACS AND TRACTS. Annual almanacs and religious tracts supplied most of the periodical reading matter outside the newspaper field. The almanacs gave meteorological predictions, religious and moral aphorisms, and a calendar with rather elaborate astronomical data. *Poor Richard's Almanac* (1732-1757) published by Benjamin Franklin, was only one of the better-known almanacs.

Books and Libraries. The largest colonial libraries were private libraries (Cotton Mather had three thousand volumes, William Byrd II had four thousand) and the college libraries. Libraries open to all were rather late in arriving. Taxpayers viewed libraries as unnecessary luxuries, and although two state libraries were founded in the 1770's the semipublic subscription library was the most common type. Benjamin Franklin began a movement in 1731 which led to the founding of a subscription library in Philadelphia. Twenty

more were founded in other colonial towns in the next thirty-odd years, and still more by 1776. In the previous century Thomas Bray had founded Church of England parochial libraries from New Hampshire to Georgia. There were very few Americans who wrote books, and most works read in the colonies were British. Through Anglo-American commercial channels British publications were easily available, and practically all were known in America. Theology was the most widely-read subject, whereas most of the works of creative literary artists were regarded as frivolous or worse.

Some American secular writers, however, should be remembered. In early colonial times (1609-1624) John Smith wrote five works on America, among them his *Generall Historie of Virginia* (1624), which includes the Pocahontas story. Governor William Bradford was the author of a *History of Plymouth Plantation*, now generally admired for its delineation of Pilgrim life and its occasional eloquence, although it remained unpublished for more than two hundred years. Thomas Morton's *New English Canaan* (1637), a classic chiefly for its hilarious account of his brush at Merrymount with Miles Standish; the quaint *Diary* of Samuel Sewall, with its intimate picture of Puritan daily life from 1674 to 1729; the doggerel verses of Michael Wigglesworth's *Day of Doom* (1662); and a handful of other annals, journals, poems, and controversial works are still read for their intrinsic interest and literary character. In late colonial times Benjamin Franklin is well known for his political essays, his *Poor Richard*, his *Autobiography*, and his many scientific studies which brought him an international reputation.

The American Philosophical Society. The oldest scientific society in the United States is the American Philosophical Society, which developed in 1743 from a proposal by Benjamin Franklin. It brought Americans into contact with the scientific world and stimulated study by providing a competent, critical audience. The work of some of its early members soon gave it high repute in Europe.

The Fine Arts. The conscious practice of the fine arts in America was discouraged by the circumstances of life in a new world, by the origins of the settlers from classes unused to acting as artistic patrons, and by their preoccupation with dissenting Protestant Christianity, which had thrown art out of the church along with the Catholic liturgy. Nevertheless our museums are full of their architectural details, their silver, and their furniture, most of which are beautiful examples of unconscious art. So far as the fine arts are consciously worked at, the usual development of taste is through

a channel leading from genius to the upper classes to the lower classes. In colonial America it was from the genius to the European upper class to the American upper class and went no farther. American painting was practically all in the aristocratic tradition, and it is significant that two of the more successful American painters (Benjamin West, 1730-1813, and John Singleton Copley, 1738-1815) had their chief contemporary success in London. American sculpture was practically unknown except for small jobs in graveyards; and the drama, where known in America, was almost entirely "made in England." In the eighteenth century music became less a subject for liturgical disputes and more a fine art, the Orpheus Club of Philadelphia (1759) being the first American musical organization. American colonial architecture, beginning in the late seventeenth century, was probably the most pleasing of their arts, as shown by handsome surviving specimens of private and public buildings, much imitated by twentieth-century builders.

The Learned Professions. Small professional groups developed as towns developed. In the beginning only the clergy were a distinct group, but lawyers and doctors could later be supported by concentrations of population. Throughout most of the period before the Revolution medical science was retarded by the idea that its practice was only a part-time vocation, but two medical colleges were founded after the middle of the eighteenth century, one in Philadelphia (1765) and one in New York (1768) at King's College—now Columbia University. The legal profession was looked upon with suspicion through the seventeenth century and the early decades of the eighteenth, but the growth of business improved the lawyers' position by creating a demand for a knowledge of the common law of England. This induced gentlemen to enter practice and improved the tone of the profession. There were no law schools in the American colonies, and Americans entered practice by reading law in a successful lawyer's office or by going to the Inns of Court in London to study. In the twenty-five years before the Revolution perhaps 150 men went to England to study law. The training in the exposition of charter grants and precedents received in the English courts made some of these men the spokesmen of the Revolution, and they helped to guide the new state governments and the United States during the dangerous age ahead. To pass to the fourth learned profession of the colonial period, scholarship in the liberal arts and sciences suffered from the theory that each college professor could teach every subject.

The Condition of Learning. Under the conditions which have been described it is clear that the triumphs of the spirit over ignorance were few, and when they were won they were the victories of a tiny minority of able men.

SCIENCE. The seventeenth-century colonists, like their European cousins, were theological minded, not scientific minded. Objective scientific experimentation was not much thought of in America until the eve of the Revolution. The eighteenth century saw the beginning of a greater interest in the material world, an interest which was related to a similar movement in Europe. Generally, the age of the colonies was the age of the universal scholar who strove to learn everything. The chief method for studying natural phenomena was made up of two steps, observation and guessing. The ablest men tried to verify their surmises. Of the leading colonial scientists four deserve special mention as careful, productive workmen. John Bartram (1699-1777) planted the first botanical garden in America at Philadelphia, carried on experiments in cross-fertilization, and corresponded with Linnaeus. Benjamin Franklin (1706-1790) had so much scientific curiosity as to defy classification; among other kinds, he conducted important experiments in electricity, hydraulics, and heat, and in his lifetime was honored by learned societies of England, France, Italy, and Spain. John Winthrop IV, who taught at Harvard, 1738-1779, was interested in physics, calculus, astronomy, and seismology, received an honorary degree from Edinburgh, and was elected a Fellow of the Royal Society. David Rittenhouse (1732-1796), a self-made astronomer, attracted international attention by observing the transit of Venus in 1769, constructed a planetarium, and was also a Fellow of the Royal Society.

SUPERSTITION AND DIABOLISM. In some ways superstition was more important in colonial America than rationally ordered truth. In all classes of society and in all ages, superstition has filled in the gaps in the accumulation of truth possessed by men and women. The Europeans brought their superstitions with them and added some of those of the Negroes and the Indians. In a religious population which was also loaded with superstitions, there was probably more preternatural fear than one would like to think about. It followed that the fears of a religious people would tend to be concentrated in a fear of Satan. It was the same in England, Virginia, Maryland, Pennsylvania, New York; but the most spectacular manifestations of fear of the Devil were in New England, where, as it has been said, theology and long winters heighten the imagination. In 1684

Increase Mather wrote an *Essay for the Recording of Illustrious Providences*, which stimulated interest in witchcraft in the next decade. In Salem, Massachusetts, in 1692 the grip of the idea of people (witches) being in league with Satan reached its greatest strength, 250 being arrested and twenty hanged. The wonder is that such occurrences were infrequent.

The Colonial Mind. In general, the economic progress of the thirteen colonies ran well ahead of the intellectual life. By the end of the seventeenth century, material subsistence was assured but there had been a sorry retrogression in culture, morals, and religion. Only two Americans before the Revolution were in the front rank of great men, Benjamin Franklin and Jonathan Edwards. Great men were to arise in the Revolutionary generation; but a century earlier their initiative might have been stifled and their scope of action limited, rendering them mute and inglorious. This is not to deny that contributions to human welfare were made, but they were from scattered individuals who worked without the stimulus of other minds on common problems. There were educated, widely-read, cultured men and women of diverse scientific, philosophic, and artistic interests. But they were few.

TOPICS FOR FURTHER STUDY

1. Describe the political organization of any one of the thirteen colonies, as of 1770.
2. What English authors were most popular in eighteenth-century America?
3. Write a description of the daily life of a college student in America in the eighteenth century.
4. What were the principal contributions to scientific learning of one of the following: David Rittenhouse, John Bartram, John Winthrop IV?
5. Explain in layman's language the status which had been achieved by one of the following sciences in the eighteenth century: biology, chemistry, physics.
6. What was the issue at stake in the Zenger case? Explain fully.

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Significant Dates

Execution of Charles I	1649
Navigation Act	1651
Dominion of New England . . .	1686
"Glorious Revolution"	1688
Molasses Act	1733

CHAPTER VIII

ROYAL GOVERNMENT AND ITS SUBJECTS

THE STUART AGE

Twelve of the thirteen colonies were founded during the reign of the Stuart kings. It is therefore obvious that the origins of many important colonial institutions and attitudes can be better understood after a glance at Anglo-American history during their age (1603-1688).

James I and Charles I. In the early seventeenth century the control of the American colonies was very weak, and the new settlements were almost entirely free to manage their own internal affairs. It can be safely said that control grew rather than was planned, and when it was exercised it was exercised by existing bodies or officers. The only significant acts during the reigns of the first two Stuarts, with regard to the royal government of America, were the (previously mentioned) revocation of the Virginia charter by James I in 1624 and the establishment of a Board of Commissioners for Trade and Plantations by Charles I in 1634. (The board was an advisory body, not an administrative office.) But it will be re-

membered that Virginia, Plymouth, Massachusetts Bay, Maryland, Connecticut, New Haven, Rhode Island, and what were later to be New Hampshire and Maine were all founded during these two reigns.

The Puritan Revolution. From 1642 to 1660 England went through Civil War, became a "Commonwealth" and then was a "Protectorate" under Oliver Cromwell.

WAR, COMMONWEALTH, PROTECTORATE. Following constitutional and religious difficulties and quarrels, civil war in England broke out in 1642, and resulted in the execution of the king in January, 1649, by the government of the army chiefs. From that time until 1653 England was a republic, but in the latter year Oliver Cromwell was proclaimed Lord Protector for life and he ruled England until his death in 1658, more of a king than many men who have had the title and regalia of a king. He was succeeded as Lord Protector by his son, Richard, in 1658. As for America, all this time control of the colonies became even weaker, although it was never abrogated. In 1643 Parliament re-established King Charles's Board of Commissioners and Plantations. In 1650 an act declaring the colonies subject to Parliament was passed, and in 1651 (as a blow at Dutch shipowners) a Navigation Act required that certain kinds of trade be restricted to English ships.

ATTITUDES IN AMERICA. The civil disorders in England meant that the new colonies were left pretty well alone to grow up by themselves. In comparison with any other empire of that century, the British empire was loosely organized; and the distractions of internal politics in England allowed it to become even looser. While popular feeling may have been generally against the king, the colonies were successfully neutral and practiced free trade despite the Navigation Act. While England's economy went through a period of depression, her colonies behaved as though independent and most were genuinely prosperous.

EVENTS IN AMERICA. For almost twenty years the colonists were practically disregarded and were at liberty to practice free trade, develop their own institutions, and produce a generation of experienced local officials. It has been said that this consolidation of a *de facto* independence made possible the development of skill at self-government which, in turn, made independence possible in the next century. Only in Virginia and New England did the Civil War have an unbalancing effect. (1) To Virginia King Charles I sent royalist Sir William Berkeley as governor in 1641; and in 1649, when Charles I was beheaded, the assembly proclaimed Charles II the king.

How well the assembly represented public opinion in this matter is debatable, since no resistance was offered to an English fleet when it came to overthrow Berkeley. (2) In Massachusetts the Congregationalist leaders disapproved of the tolerance displayed by English Congregationalists (who needed the help of all dissenters in their struggle against the king). Parliament wooed Massachusetts, vainly offering her any legislation she wished if she would acknowledge her subjection, but Massachusetts kept her old charter (although Rhode Island was chartered in this period). The economy of New England had been expanding because of the steady flow of immigrants. The Civil War caused a drift of population the other way, with grave economic consequences. Generally, the New England attitude was one of friendly neutrality. To understand why this could come about, it should be remembered that they could not certainly predict which side would win the war, and meanwhile they had their "holy experiment" to guard. In the end, when the Stuarts were restored, their Civil War aloofness certainly made a better record to set before the king than would a history of anti-Stuart enterprises and Round-head stratagems.

THE NEW ENGLAND CONFEDERATION. During the Civil War the American colonies, being left alone, faced the possibility of having to deal with boundary disputes, with Indians, with pirates, and with the Dutch without help from home. In 1643, Massachusetts, Connecticut, New Haven, and Plymouth formed the New England Confederation. It was a loose league and was not a force after 1665, but is interesting as the first attempt to solve the problem of co-operation among political units in America.

The Restoration. The restoration of the Stuarts, in the person of Charles II (1660), was the beginning of a period in which the colonies received more attention from London than they had before, and which ended in the expulsion of the Stuarts, in the person of James II (1688). The relation of the colonies to the mother country in these decades was not at all clear, and to judge by the resistance of New England to royal authority, the attitudes of government and colonists differed from those of the 1770's only in degree.

DRIFTING POLICY. It has been said that the Stuarts had a drift, not a policy—or, again, that the earlier Stuarts had tendencies, and that only the last one had a policy. Whether systematically planned or not, the Restoration government had certain ideas uppermost: (1) that the American colonies were of secondary importance as compared to Europe and to the West Indies, (2) that the theory of

mercantilism¹ should be applied, (3) that political control was necessary to enforce the mercantile ideas, (4) that the colonial holdings should be expanded. Under Charles II the Carolinas and Pennsylvania were settled. The West Indies had been organized in three separate royal colonies: Barbados, Jamaica, and the Leeward Islands (St. Christopher—sometimes called St. Kitts—, Nevis, Montserrat, Antigua, Barbuda, Anguilla). New Netherlands was conquered and became New York and New Jersey. When they took New Netherlands, the British did not think of a result that was later to become obvious—every time a foreign rival was eliminated in America, the colonists were less dependent on British arms for protection.

ENGLISH POLITICS. Restoration politics in England revolved around a struggle between the kings and the rising middle class of the towns. It was complicated by religious difficulties, Charles II stoutly backing the Church of England, and the professional men and businessmen being mostly dissenters. The fact that the heir apparent, James, Duke of York, became a Catholic made the snarl more confused. In order not to be dependent on Parliament (three-quarters of the Commons were elected by boroughs) Charles II entered into secret arrangements by the Treaty of Dover (1670) with Louis XIV of France, whereby he received enough money to enable him to do without a Parliament for the last four years of his reign. In an attempt to weaken the political strength of the towns, he successfully challenged their rights to their charters—in his own courts, be it noted—in 130 cases. Had he lived another ten years, he might have made the towns so subservient that their members of Commons would have been his servants; and thereafter the kings of England might have been as free as the Bourbons of France. It seems probable that a numerical majority of the people favored Charles II over his adversaries.

MASSACHUSETTS *versus* CHARLES II. The chief opposition to the administration of Charles II in America came from the rather stiff-necked government of Massachusetts Bay. As early as 1644 she had denied that Parliament could bind her. By the 1660's her aggressive attitude toward neighboring colonies and her disregard for the laws of trade began to draw frowns from responsible officers in England. In 1664 a commission was sent to Massachusetts to collect sufficient information on which a policy toward the colony could be based. The commission met passive resistance. When the Lords of

¹ On mercantilism, see below, p. 95.

Trade were established in 1675, their agent in Boston reported that the colonists were ignoring the trade regulations. London demanded conformity. Massachusetts denied Parliament's power but enacted the Navigation Acts herself. She made few other concessions to royal demands, however; and in 1684 the Massachusetts charter was revoked. The colony was joined to Plymouth in one dominion, a royal colony with no representative institutions.

The "Glorious Revolution." James II, last Catholic king of England, was honest and sincere but despite or because of these virtues lacked the finesse of his elder brother. His reign was short and ended in a bloodless revolution which was greeted warmly in America.

JAMES II. Every important plan or action of James II seems to have been of a sort which would arouse furious resentment in some group. Instead of trying to secure an income outside of Parliament, he told its members that they "will give me my revenue." He worked openly to put Catholics on a legal parity with adherents of other religions. Catholics were dispensed from the Test Act, which had provided that officers of the government must receive the sacraments of the Church of England. These and similar policies and projects alienated strong forces in British politics.

THE DOMINION OF NEW ENGLAND. The new king, already a great proprietor in America, united Massachusetts-Plymouth, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania as the Dominion of New England, with the capital at Boston and Sir Edmund Andros as governor. Andros was to be assisted by an appointed council. The new Dominion was not unlike a Spanish viceroyalty of Central or South America. The king's motive was dual. First, the French were developing Canada as a centralized royal colony, and the Dominion would be more efficient militarily than the colonies as separate political entities if there were ever a war with France (James had an honestly earned reputation as a wartime commander). Second, the Acts of Trade had been slighted in America since first enacted and the Dominion would be staffed with enough royal officers to begin real enforcement.

THE OVERTHROW OF JAMES II. James's policies continued to alienate influential men. When the birth of a son was announced, it seemed to many that a Catholic and centralist dynasty would be perpetuated unless they acted promptly. Leading men invited William of Orange (James's Protestant son-in-law) to invade England. The invitation was accepted and was successful (1688). James was taken

prisoner and allowed to escape. Thus the "Glorious Revolution"—really a forceful assertion of the *status quo*, an attack on the innovations of James II.

THE REVOLUTION IN AMERICA. The revolution was welcomed in America. New England and New York were especially demonstrative in support of it. (1) The Dominion of New England had been distasteful to a majority in New England for three principal reasons: the Church of England had been publicly approved; the customs agents had hurt "business," i.e., smuggling; and Andros had imprudently questioned New England land titles. When William of Orange left the Continent, Boston rose and jailed Andros. In 1691 Massachusetts Bay received a new charter which amounted to a compromise between the old way and the Dominion of New England. A royal governor, with veto power, was retained. (2) In New York, Jacob Leisler took over the province in the name of William and Mary. Unfortunately he had incurred certain local enmities, and when the governor returned he brought orders for the arrest and trial of Leisler, who was convicted of treason—some say unfairly—and executed. New York remained a royal colony. (3) Connecticut and Rhode Island remained under the charters granted by Charles II, which made them almost autonomous. (4) Because William Penn had been a close friend of James II, his proprietorship was confiscated, but was returned to him in 1694. It continued a Penn family possession until the 1770's.

America at the End of the Stuart Age. The American colonists by 1688 had secured settlements from Maine to South Carolina, with the western frontier at the fall line. The inhabitants numbered about 220,000 people, principally farmers. In most instances they had succeeded in making good the claim of the popular houses of the assemblies to a considerable voice in provincial affairs. One colony, Pennsylvania, had permanently achieved a solution of the problem of how diverse religious groups could live in temporal peace. Certain problems had been defined but not solved. Their solutions were to make history: the relations with France in the interior, frontier policy, land distribution, the inequality of legal protection, enforcement of Navigation Acts, resistance to royal government. Culturally, there had been a notable retrocession. The Revolutionary Settlement of 1688 was to become a pattern of constitutional thought. In England the Stuart assaults on the privileges of charters made men property minded. When Englishmen forgot this, Americans in 1776 were to remember. When an English philosopher, John Locke, justified the "Glorious

Revolution" by saying that governments had been instituted by men heretofore in a state of nature, Americans learned well the theory of natural rights.

MERCANTILE THEORY AND PRACTICE

The British colonies were founded in a period when English economic thought was governed by an economic philosophy called "mercantilism." They were expected to live their economic life within the limits of mercantile principles. Most of the colonial legislation by Parliament until the middle of the eighteenth century was aimed at accomplishing this.

The Idea of Mercantilism. National mercantilist policy can clearly be traced, in England, to the fourteenth century and in local governments to a much earlier time. Hence its objects and means were well known to Englishmen before their first American colony was established.

PRE-STUART TRADE POLICIES. Beginning in the fourteenth century the English government had been active on a "nation-wide" scale in the regulation of buying and selling, importing and exporting, with the distinct object of promoting "good" trade and discouraging "bad" trade. The Tudor monarchs considered England as a unit and aimed at making it stronger through the regulation of business, even at the expense of individuals. The mercantilist measures used were not always the same, but the dominant idea was to regulate trade so that England should be strong.

OBJECTS OF MERCANTILISM. Mercantilism had four chief objects: (1) to encourage native shipping by Navigation Acts, (2) to protect native grain growers, (3) to protect native industries and to promote new ones, (4) to amass and keep a large amount of hard money. All these objects were related to the over-all purpose of making the nation a strong military and naval power. The currency object was the most important and embraced the other three. The roots of the design were in the late Middle Ages (the first Navigation Act was promulgated in 1381) and legislation to accomplish these objects, in whole or part, was in existence under the Tudors.

Applications in English Law. All the foregoing ideas were applied in English law up to the early nineteenth century, when capitalism succeeded as the dominant philosophy ruling in national economic policy. Of the four objects—shipping, agriculture, industry, and money—the statutes regulating shipping and money were the most important to colonial Americans, with the protection of British

industry next. As for the regulation of the trade in cereals, Americans were not to become much interested in shipping grains to England until the nineteenth century.

SHIPPING. Early mercantile legislation on shipping concerned laws against piracy, the encouragement of pilots, dock-building, hemp and flax cultivation, the preservation of oak forests, and the enforcement by Protestant monarchs of the formerly Catholic practice of abstaining from meat on days of fast and abstinence (to encourage the fishing fleets).

AGRICULTURE. The "corn laws" encouraged the exportation of grain and discouraged its importation. Beginning in 1436 it was arranged that grain could not be imported unless the price went above a certain figure. Export was permitted if the price dropped below a set figure. This policy encouraged farmers (young farmers make fine foot soldiers) and aimed at making it possible to feed the English population if foreign trade were cut off (as in wartime).

TRADE AND INDUSTRY. Industrial legislation revolved about the question: how would a trade affect the English artisan? If trade took English manufactures abroad or brought raw materials to England, it was "good" trade. If trade sent out raw materials (tin, wool) or brought manufactures or enervating luxuries into the country, it was "bad" trade.

COINAGE. Legislation on money was the key to the system. If a nation lacked a good supply of money, it was at a disadvantage in foreign relations. Because communications were laborious, industries less active than today, and the collection and storage of supplies difficult, a large sum of available gold would be a distinct asset in wartime. Spain had a plentiful supply of bullion, and it therefore seemed even more necessary that England try to accumulate hard money. To import raw materials and send out manufactured goods would cause such an accumulation in England.

The "Old Colonial System." With the above principles in mind, Parliament began in the seventeenth century to legislate on colonial problems.

COMPARISON WITH OTHER EMPIRES. Spain had the first modern imperial policy, beginning at about 1500. (The British did not formulate their views systematically until more than 250 years later.) Spain's empire was governed from Spain so far as possible, with officers selected by the crown, and laws promulgated by a royal Council of the Indies which sat at Seville. The royal policies were not always carried out, but the colonists had no legal reply to

royal government. In Spanish thought, the colonies existed for the benefit of the mother country, providing raw materials, a market, and a profitable basis for the growth of a merchant marine. The imperial policy worked fairly well because trade was limited to certain ports, but smuggling was never entirely eradicated. The Dutch and French systems varied from the Spanish, but the objects of policy were generally similar—the chief distinction being that Spain allowed no private colonial ventures whereas the others let chartered companies operate in regulated monopolies. On the other hand, the British neglected their overseas dependencies. The Dutch saw an opportunity to profit, and until the 1660's they almost monopolized the carrying trade of America. Since the British had no such privilege in any other nation's colonial empire, they decided to emulate the exclusiveness of the other colonizing countries. This was the underlying cause of the several Anglo-Dutch wars by which the Dutch were eliminated from sharing in the profits of British colonies and lost a large land area in America.

THE ACTS. The application of mercantile ideas to all overseas colonies was undertaken through a series of acts of Parliament over a period of a century, from 1651 to 1750. The whole program has been called the "Old Colonial System." A condensed chronology of the "system" follows. The thread of mercantilism is clear throughout.

1651. *Navigation Act.* Goods traded in the empire were to be carried in British or American ships, or in ships of the producer.

1660. *Enumerated Commodities Act.* This re-enacted the Navigation Act in more detail and listed commodities which could be sold only in England: sugar, tobacco, cotton, ginger, and dyewoods. Of these commodities only tobacco was produced in America.

1663. *Staple Act.* Goods from Europe could be shipped to the colonies only through English ports.

1673. *Duty Act.* Certain goods in intercolonial trade paid about the same duty as though shipped into England. Customs collectors were made responsible to England.

1683. A Surveyor-General of the Customs in the American Colonies was appointed.

1696. *Navigation Act.* This act re-enacted the substance of previous Navigation Acts, but governors were sworn to enforce the act, under much severer penalties than before. Customs officers were now to seize smuggled goods by means of general warrants (writs of assistance). Vessels used by smugglers were to be seized. Ten Vice-Admiralty courts were set up in American districts. By royal orders the Board of Trade was once more reconstituted to serve as an informational, advisory, and planning agency.

1699. *Act for Suppressing Piracy.*

1699. *Woolens Act*. Export or intercolonial trade in wool was prohibited.

1704. Rice and molasses were put on list of enumerated commodities.

1705. *Naval Stores Act*. A bounty was paid for the extraction and export of naval stores (tar, pitch, turpentine, hemp, lumber), and they were put on the enumerated list.

1708. *Coinage Act*. Uniform rates were established for the exchange of foreign coins.

1718. *Artificers Act*. It was forbidden to lure skilled workmen from England to an overseas colony.

1721. Copper ore and beaver and other furs were placed on the list of enumerated commodities.

1731. Bounties were withdrawn from the production of naval stores.

1732. *Hat Act*. This act prohibited the manufacture of hats in the empire outside England except for intracolony sale.

1733. *Molasses Act*. Virtually prohibitory duties were levied on sugar, molasses, rum, and spirits imported into North American colonies from non-British sugar islands. (If enforced, this law would have caused the collapse of the colonial economy.)

1750. *Iron Act*. This statute encouraged the manufacture of bar and pig iron but prohibited the making of finished iron products except kettles, salt pans, and cannon.

As of 1750 the enumerated commodities were copper, fur, tobacco, cotton, wool, sugar, rice, indigo, molasses, naval stores. Cereals, salt food, and other provisions were barred from England. The manufacture of hats, woolens, and iron was restricted. Colonists were forbidden to import machinery for the manufacture of textiles and alien sugar and molasses, nor could they encourage the emigration of skilled workers from England.

EFFECT OF THE SYSTEM. One's opinion of these acts will depend on one's own economic theories. The acts have frequently been attacked because they violated the canons of nineteenth-century classical liberalism. It may be noted that the Molasses Act was consistently evaded or ignored, so that much of the usual business of the Northern colonies was smuggling. The most recent studies of the problem show that the Staple Act cost Americans from two to seven million dollars annually but that the effect of the other acts was economically negligible.

ROYAL GOVERNMENT IN AMERICA

Administration. The "system" by which the British colonies of North America were governed had not been designed for the purpose; but, as circumstances required, specific functions had been lodged in various offices and agencies which were already in existence.

THE CENTRAL GOVERNMENT. (1) The *King* was the source of authority, and the owner of all ungranted lands. The Stuart kings thought that colonial government fell within the limits of the royal prerogative—i.e., that it was an exclusive privilege of the crown. (2) The *Privy Council*, acting for the king, instructed governors, examined colonial laws, and heard appeals from colonial courts. (3) In the executive departments, the *Treasury* officers were concerned with revenue, the *Admiralty* through the Navy and the High Court of Admiralty administered the sea-borne traffic with special interest in pirates and smugglers, the *Secretary of State for the Southern Department* usually acted personally for the king, the *War Office* was responsible for colonial military affairs, the *Law Officers* were consulted for advice regarding conflicts of colonial and English law, and the *Bishop of London* had ecclesiastical jurisdiction over the Church of England in America. (4) *Parliament*, in which businessmen predominated, passed whatever statutes seemed good for business. (5) Behind this complex arrangement sat the *Board of Trade*, producing information, advice, and plans when called on to do so. It was usually composed half of unpaid honorary officers and half of paid officers. American affairs were only a small part of its responsibility. The worst that can be said of the central government is that it was impersonal, ill-informed, bureaucratic.

CONTROLS. The keynote of the history of royal government in America was an increasing control of colonial affairs, slow and almost imperceptible through most of the period, but steadily enlarging. This was achieved by review and disallowance of colonial acts, by currency regulation, by extension of the right of appeal from colonial courts to the Privy Council, by an increase in the number of royal officials, and—probably most important—by the conversion of colonies to the status of royal colonies. The review and occasional disallowance of colonial statutes was neither a veto nor “judicial review.” The Board of Trade examined the laws for conflicts with imperial policy (such as intercolonial tariffs, or bounties to encourage forbidden manufactures) and recommended approval or disallowance to the Privy Council. It was a slow process and therefore irritating. The appeal from courts to the Privy Council was taken in only 265 cases in the century from 1680 to 1780, but is thought to have influenced our present understanding of appellate jurisdiction.

CONVERSION OF CHARTERS. It was to England’s interest to protect her stake in the colonies, and royal officers in London had a low regard for proprietors since unrest lessened the proprietors’

effectiveness as protectors of the colonies. On the other hand, Parliament hesitated to increase the king's prerogative. Defense considerations appear to have ruled, and by 1752 all the colonies except Maryland, Connecticut, Rhode Island, and Pennsylvania were governed as royal colonies. The proprietary interest was purchased in the case of the Carolinas, given to the crown in the case of the New Jersey owners, and assumed on the expiration of the right in the instance of Georgia.

Attitude toward Parliament. The American colonists lived under two governments. Quarrels, however, were usually between the king (in the person of his governor) and the colonies, not between Parliament and the colonies. Because Parliament was not conspicuous in the minds of the colonists, there grew up in America a conception of its powers which differed from that held at home. In actual practice, though not in theory, there was a remote similarity between the government of the old empire and that of the United States at present, Parliament having about the same powers as Congress except in the matter of direct taxes. Although some of the major Parliamentary acts affected America (and in some instances were systematically evaded), these were not directed primarily at the colonies; and it seems generally true that the colonies took for granted the superiority of Parliament in matters of trade and military defense. Parliament thought itself competent to legislate in any colonial matter whatsoever, but in the seventeenth and early eighteenth centuries it confined its measures generally to external affairs. This promoted a conviction in America that Parliament was barred from considering the internal concerns of the colonists; and such a misunderstanding was to have grave results when Parliament began to intervene in colonial "domestic" matters, chiefly economic, in the 1760's and 1770's.

Relations with Governors and Councils. The British looked on colonial assemblies as municipal councils; the Americans thought of them as petty parliaments. The colonists were very independent in local government—they were not disloyal, but they had been let alone for a long time and always resented any attempt of royal government to exert its authority in some field of government which had hitherto been left to the colonial assembly (or which had been neglected entirely). The eighteenth-century governor's public life was filled with bickering and bargaining with the local assembly. It was not a pleasant life, but the offices were never vacant for lack of self-nominated candidates. It is now plain to us that the quarrels between

governors and assemblies show a steady drift toward independence, but the drift, it is just as clear, was not intentional.

THE LOWER HOUSES. Each colony had an assembly, of which the lower house was elected. These bodies were proud and energetic, and it was with these little houses of commons that the royal administrators had their principal difficulties. The issues varied from place to place. They included the initiation of elections, the control of procedures in the house, and—most important—finances. The friction point was the division of authority between royal government and the property-qualified voters. The lower houses were elected by perhaps 10 per cent of the people, who intended to retain control over their property by possession at all costs of the right to initiate tax laws. These assemblies were not strictly representative. Not merely were there religious and property qualifications for voting and holding office, but the apportionment of seats usually favored the older districts at the expense of the newer; even so, however, the apportionment was fairer than that of the English Parliament. The assemblies were also open to public scrutiny, and their proceedings were more fully publicized than are the transactions of state legislatures today.

THE PURSE POWER. The general trend of legislative history was toward victory for the lower houses. They wished to have control of taxing and of specific appropriations and to have a check on disbursements. Next they excluded the appointed councils from any share in finance legislation. When assured of the control of the purse, they humbled the governors by holding back their salaries. The governors might have resisted successfully if the central government had backed them up, but they could not rely on support from England. By 1750 half the treasurers were responsible to the assemblies, and elsewhere the lower houses had generally put their property out of the executive's reach unless they freely chose to grant the money he asked.

Smuggling. Some taxes were consistently evaded if against the interests of the shippers. Much of the commercial history of the colonies is the history of smuggling, although the volume of this traffic has been exaggerated by some writers. Lax enforcement bred disrespect for the mercantile laws. Smuggling was made easy by geography, politics, the condition of the navy, and a common moral conviction that the navigation laws were purely penal and not binding in conscience. The act most frequently disobeyed was the Molasses Act of 1733. This, by taxing molasses of the French West Indies, was

intended to promote trade between North America and the British West Indies; yet the latter islands allegedly did not produce one-eighth of the molasses needed by American distillers.

Toward Independence. In the relations between royal government and its American subjects, particularly in economic affairs (business and public finance) the general trend was for the colonists to be American rather than British. Private businessmen prospered because of the native richness of the continent and because of the lax enforcement and the evasion of the mercantile laws. This made for an independence of thought in economic affairs, especially when coupled with doubts as to which law was really superior, colonial or royal. An example of such localism was the Parson's Cause (1763), in which a Virginia jury practically nullified a royal order-in-council concerning the salaries of the Anglican clergy. The colonists had already heard men of their assemblies insist on the immutability of charter and natural rights, to which the royal officials had replied that the colonists wanted the privileges of the imperial connection without its duties. A time was to come when neither side would give way.

TOPICS FOR FURTHER STUDY

1. Prepare an account entitled (a) "The Civil War and Virginia" or (b) "The Civil War and Massachusetts Bay."
2. Why did the New England Confederation fail?
3. Compare the national economic policy of some twentieth-century nation with the mercantile policy of Tudor and Stuart England.
4. Identify Adam Smith and summarize his views on the subject of mercantilism.
5. What were some of the more common methods used by colonial smugglers to avoid detection?
6. Speaking generally, in what respects did the lower house of the typical colonial assembly resemble the English House of Commons? How did it differ?

SUGGESTED READING FOR CHAPTER VIII

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 E. B. Greene, *The Provincial Governor* (1898).
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 L. A. Harper, *The English Navigation Laws* (1939).
 L. W. Labaree, *Royal Government in America* (1930).

Significant Dates

King William's War	1689
Queen Anne's War	1701
King George's War	1739
French and Indian War	1754
Treaty of Paris	1763

CHAPTER IX

ENGLAND VERSUS FRANCE

1689-1763

THE FIRST THREE WARS

Between 1689 and 1763 the British and French were at war four times wherever they met—in Europe, in America, and in Asia. These wars were manifestations of a basic rivalry for world empire. So far as America was concerned, the first three were indecisive. Americans usually named them after the British monarchs in whose reigns they occurred. The table below gives the American names, the European names, the inclusive dates, and the names of the treaties which followed.

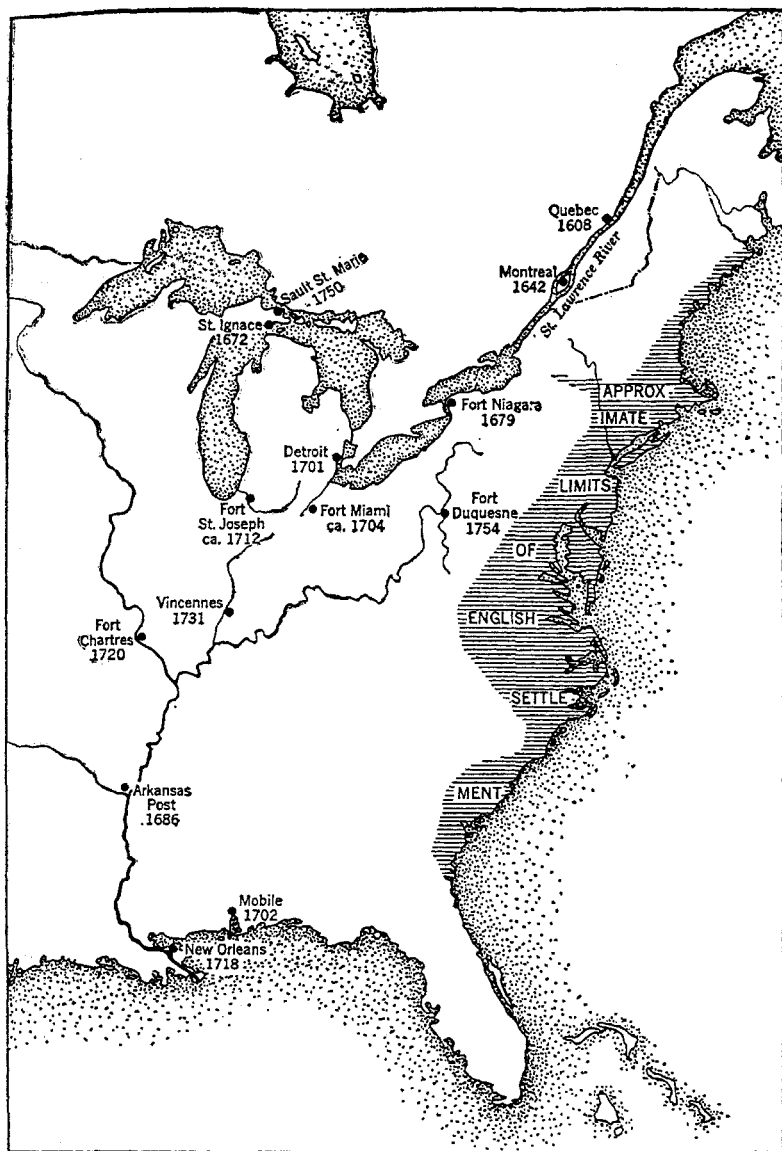
King William's War	War of the League of Augsburg	1689-1697	(Ryswick)
Queen Anne's War	War of the Spanish Succession	1701-1714	(Utrecht)
King George's War	War of the Austrian Succession	1739-1748	(Aachen)
French and Indian War	Seven Years' War	1754-1763	(Paris)

Historians differ on the question of whether the American colonies were unhappily "dragged into" these wars or whether they supported them gladly, and even helped to start them.

New France. Canada seemed to be a threat to the British colonies. Should it ever become successful and consolidated, it would limit the British colonies to a strip along the Atlantic seaboard. The French expansion westward had been astonishingly swift. Quebec was founded in 1608. In less than thirty years there was a French post in Wisconsin. In fifty years a portage route from Lake Superior to Saskatchewan had been located. Exploration and the planting of posts and missions continued at this rate until, 110 years after the founding of Quebec, the mouth of the Mississippi was guarded by New Orleans and the French controlled all the strategic locations from the Gulf of St. Lawrence inland to the Gulf of Mexico.

The Rivals. The British colonists believed that they were being deliberately encircled by the French. However, the French post-planting was not part of the long-range policy of the Paris government. Instead the royal administrators hoped that New France would become a compact agricultural colony with only the clergy allowed to rove the forests. Nevertheless, the French in Canada continued to press into the wilds and friction with the British was soon generating heat. There were two principal points of contact where competition developed strong feeling: the southwest between Charleston and New Orleans, and the west at the latitude of New York. In the latter region the Iroquois were the key to military policy, protecting the whole British frontier, as a shield, as far south as Virginia. From the French viewpoint the Iroquois were a dangerous salient into New France. As decades passed, a commercial war for the hinterland developed—a contest between cognac and rum, the chief currencies of the fur trade. In trade war, the British were more resourceful than any possible contemporary competitor. Because of the industrial growth of England the trade goods they offered in the forests cost the Indians only half as much as similar goods offered by the French. Furthermore, rum was cheaper than brandy, since the latter was distilled only in Europe whereas rum was a primary industrial product of America. From the foregoing, it is plain that there was ample ground for serious feelings of hostility in America. The first three wars of the great contest started in Europe but were fought in America as well. The last and decisive one began in America.

King William's War. When William of Orange came to England to drive out James II, he was already at war with Louis XIV of France in his capacity of Stadtholder of the Netherlands. He promptly threw the resources of the British empire into the war on his side. The French anticipated this and just as promptly sent their



French "Encirclement"

Principal Settlements and Installations, 1608-1754

Indian allies against the New England frontier. New England saw most of the fighting in America. The most important offensive of the British in America was directed against Quebec, but failed. The Treaty of Ryswick (1697) ended matters in Europe, but the Indians in America were restless and troublesome for another two years. The war had no important political result in America.

Queen Anne's War. In Europe, the War of the Spanish Succession was the result of the insistence of Louis XIV of France that his grandson inherit the Spanish throne according to the expressed intention of the deceased Spanish king. Spain and France faced most of Europe. In America, their common enemies were the Carolinians, and in the course of the war Indians under Spanish control desolated the southernmost settlements. Farther west the Carolinians had Indian allies of their own, and French Louisiana remained on the defensive. During the long contest, the Spanish town of Pensacola was burned and Charleston was attacked. The Carolinians were unable to penetrate the screen of Choctaw, who protected the infant French settlements on the Gulf of Mexico. In the north the Iroquois, usually pro-British, remained neutral during most of the war. Expeditions against Quebec and Montreal failed, but Acadia was taken by a force of New Englanders and British marines. When the war ended the British received Gibraltar, Minorca (in the Mediterranean), Acadia, and Newfoundland. A British protectorate over the Iroquois was recognized as was the British control of the Hudson Bay country (Prince Rupert Land) in which fabulous fur region the Hudson's Bay Company had had considerable interests since the 1670's. English merchants also gained a monopoly of the Spanish-American slave trade (*Asiento*) for thirty years. The end of the war meant the end of almost twenty-five years of fighting.

King George's War. In reprisal for rough treatment of British traders illegally operating in Spanish colonial areas, England went to war against Spain in 1739. This war merged into the larger war in Europe which followed the aggression of Prussia against Austria. In America it was, for the most part, the usual war of miserable border affairs which affected the outcome little or not at all. The principal American event was the reduction by New Englanders of the prime French fortress in America, Louisbourg, on Cape Breton Island. When the war ended, all conquests were turned back to their original sovereigns. It was plain that the peace was only an armistice. In the interior, for the next seven years or so, each side behaved as though it owned the region.

THE SEVEN YEARS' WAR

Anglo-French rivalry came to its crisis in the Seven Years' War (French and Indian War), by which the French were permanently expelled from any important holding in North America.

Fundamental Conflict. For forty years, representatives of France and England had been trying to agree on American boundaries. Each side had demands which the other could not entertain at all. By her explorers' custom, France claimed the entire basin of each river she discovered—the St. Lawrence-Great Lakes drainage system, and the entire Mississippi watershed. If granted, this would have given France much of New York, Pennsylvania, and Virginia, and practically all the known lands to the west. The British, however, demanded all the lands of her wards, the Iroquois. This claim, if granted, would have taken in (by Iroquois subclaim) the entire Ohio valley and the St. Lawrence headwaters, including much land that lay to the north of that river. If both refused to compromise and if neither would surrender (which is exactly what happened), war would follow.

Condition of the French. The French had certain advantages. Their system of unified colonial control made for a relatively high level of military efficiency. They had a standing army in America, in forts at key places in the west, and they had strong and numerous Indian allies. Against these advantages must be weighed one grave weakness. New France was far too large for its population to defend. Being fundamentally a nonagricultural colony, its organization was based on an atomized fur industry and on missions to the Indians. The settled population was small (only about sixty-five thousand) and was diffusely located—in a part of the St. Lawrence valley, in widely dispersed villages in the "Illinois country," and near the lower Mississippi. It should be remembered also that the central government at Paris was much less vigorous under Louis XV than it had been in the days of Louis XIV.

Condition of the British Colonies. The British colonies suffered from the disorganization inherent in any group of political units bound together only through a king on the far side of an ocean, but in the end the human and material resources of colony and empire, mobilized by a great leader, were sufficient to win a decisive triumph.

WEAKNESS. The outstanding weakness of the British colonies was the lack of a unified control. A number of plans were proposed

to remedy this but no formal co-ordination was established. It followed that colonial frontier policies conflicted in some ways, and it seems generally true that too much of the burden of frontier defense was placed on the heads of frontier families. Another weakness was that the British military authorities did not use colonial irregular forces to their full capacity. The colonists from the wilder districts had certain valuable skills and a forest-sharpened ingenuity that could have been utilized, no matter how unmilitary such people seemed.

STRENGTH. A great advantage to Britain was that her colonial population outnumbered that of France by twelve or fifteen to one. Furthermore the Royal Navy retained command of the seas in every great crisis of the war: in a world war this was primary and basic. The British also had the friendship of the strongest single Indian group, the Iroquois nations. Lastly, the character of the civilian on whom responsibility for victory finally fell, William Pitt, was as important to the outcome of this war as was the character of Washington in the Revolution or of Lincoln in the Civil War. He shines particularly by contrast with the faltering functionaries of the French court, who could gain their king's attention only by the favor of his mistress.

The American Geopolitics. As in most wars, political and geographical considerations combined to select the theaters of operation. These, in America, were four in number: (1) The northeast, involving the French of present-day New Brunswick versus the English of Nova Scotia. (2) The Champlain corridor between the St. Lawrence and Hudson valleys. The French held the northern half and were based at Crown Point. The English held the southern part from Schenectady to the sea. This natural invasion route was important in every North American war until 1815. (3) The interior, from Lake Erie to the headwaters of the Ohio River. This was particularly attractive to the French because it provided the shortest inland route from Quebec to New Orleans. (4) The West Indies, where the proximity of both French and British naval and privateering bases made sea trade perilous to the richly laden ships of both nations, and where concentration of wealth allowed great damage to be done quickly, thus weakening the spirit of resistance.

The Opening of Hostilities. After King George's War there was no relaxation of Anglo-French tension. In 1749 the governor of Canada formally claimed the upper Ohio valley. In the same year the British crown chartered the Ohio Company for colonizing

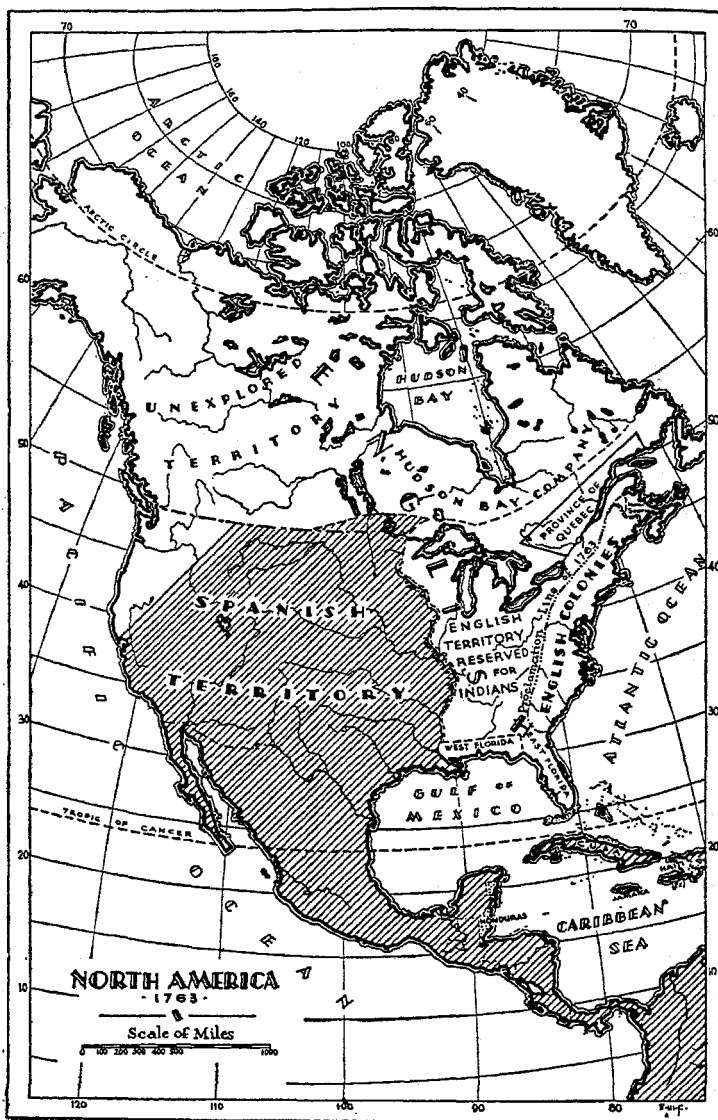
the area. In 1753 the French began to fortify that country; and the Virginia government sent a reliable young militia officer, George Washington, to place a fruitless protest with the fort builders. One year later the same officer was ordered to take a small force and erect a fort near the present site of Pittsburgh. The French were already there, and in two ensuing clashes—the first battles of the Seven Years' War—Washington was defeated. In 1755 the war was on in America, a year before it broke in Europe.

Early Failures. With minor exceptions, the war in its early phases went badly for the British in every theater except India. Defeats were suffered in America by General Braddock's rashly deployed column, by British colonial forces at Niagara, Crown Point, Louisbourg, Oswego, and Fort William Henry. In the Mediterranean, Minorca was lost. On the Continent of Europe, the English monarch's German kingdom of Hanover was held by the French.

Mr. Pitt's Victories. William Pitt was brought into the London ministry in 1757. Leaving domestic government to the power-hungry but incompetent Duke of Newcastle, who had mismanaged affairs thus far, he took personal direction of the military and naval efforts and was as much responsible for the ultimate victory as any one man could well be.

PITT. Pitt established a unity of control. He did not carry on the war through his war and navy offices, or through a chief of staff and a chief of naval operations. He personally issued orders in his own name and discouraged the sending of communications from theater commanders to his office "through channels." The technique of direct communication, plus the urgent tone of every order, had a healthy effect on responsible officers overseas. After he took over the authority the war seems to have gone well because Pitt, a great and forceful man, was great and forceful in his orders and because he chose commanders on their merits.

VICTORY. In the end Pitt's plans, policies, and the men he chose as leaders brought a brilliant procession of victories: Fort Duquesne, Louisbourg, Gorée, Guadeloupe, Quebec, Quiberon, Martinique, Montreal, Havana, Manila, Masulipatam, Wandersworth, Pondicherry. The march of triumph in America lasted two years. In 1758 General John Forbes forced a way through Pennsylvania to Fort Duquesne and Lord Amherst reduced Louisbourg. In the Insular Campaign of 1759 an amphibious force under the co-command of Barrington and Moore conquered Guadeloupe and its satellite islands. In the same year General Wolfe in one of the most decisive battles



of the Western hemisphere took Quebec, the key to New France. Montreal was surrendered in 1760 and the French empire in America passed into oblivion. There was no more significant combat in America.

The Peace Settlement. By the treaties which brought the war to a formal close in 1763, France gave all her possessions in North America to Britain except two fishing islands south of Newfoundland which she retained, and the lands west of the Mississippi River which were ceded to Spain as compensation for losing Florida to the British. Most of occupied India was kept by Britain. The British empire became the foremost world power.

AMERICAN POLITICS AND THE SEVEN YEARS' WAR

The Seven Years' War had two outstanding political effects in America. It emphasized the grave problem of intercolonial co-operation, and it removed the French and Spanish menace which had hung over the western frontiers for a century.

The Need for Intercolonial Co-operation. Down to the middle of the eighteenth century, the colonies generally co-operated badly. During the wars there was much talk of union and after the wars a few specific plans of union were published, but nothing much was done. The Seven Years' War saw much better co-operation and a closer approach toward equality of sacrifice by the colonies, but the problem was still far from solved. The efficient collection and spending of military funds required a degree of co-operation that the colonies were unable to provide. Instead they hesitated, doubted, and debated. They did not feel as parts of a whole, and on the face of it they appeared forever unable to unite. Where leaders may have seen the necessity, the people appear not to have seen it; and the sport of governor-baiting distracted the assemblies from any consideration of the common good of all colonies.

Early Plans of Union. Between 1643, when the New England Confederation was established, and 1752, when Governor Dinwiddie of Virginia proposed an institution which would be able to make a collective Indian alliance, many plans for colonial co-operation were drafted—some eight of which have survived to be studied. What influence they had on later events is debatable at best, but they show that the problem was thought to be serious almost from the beginning of English settlement. Most of the plans were concerned with co-ordination in matters of common interest such as military funds, western lands, and Indian relations.

The Albany Congress. To thinking men, the Treaty of Aachen, which ended King George's War, appeared only as an armistice; and another war was expected. They asked themselves where the money and men would come from and they feared that the disunited colonies would, as in the past, continue to debate in the face of danger. Colonial uneasiness was communicated to their Iroquois allies, who began to press for guarantees that they would not face the pro-French Indians alone. In 1753 the colonial governments were warned from London of the possibility of a French invasion, and the Lords of Trade suggested an intercolonial convention. In 1754 all colonies north of the Carolinas were invited to send delegates to a Congress at Albany. Virginia asked New York to represent her, and New Jersey sent no one. Delegates from New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland accordingly convened to discuss intercolonial problems, with emphasis on Indian relations.

THE ALBANY PLAN OF UNION. At least six plans (or variations from other plans) were submitted and discussed. That of Benjamin Franklin, which he had prepared on his way to Albany, was adopted with few changes. According to this plan a *governor-general* (a military man) was to be appointed by the king, with a veto over a *grand council* which was to be appointed by the several assemblies. In the grand council the smaller colonies were to have each one member, the larger colonies receiving two or more seats. The place of meeting was to be rotated. The colonial union was to be financed from a general fund which would be raised by excises on liquor or luxuries. It was to have authority to make treaties, to regulate the Indian trade, to make concerted defense plans, and to extend settlements. The union was to be formed by act of Parliament.

FAILURE OF THE ALBANY PLAN. The Albany Plan was not acceptable. The older generation wished for less representation and more royal power. Before seeing the Albany Plan, the Lords of Trade proposed their own plan, which was concerned almost entirely with the problem of raising money for military purposes. Of five colonial assemblies which voted on the plan, four rejected it and in one (Rhode Island) the two houses split. The Boston Town Meeting expressed the hope that their representatives would oppose it or any other plan endangering the liberties and privileges of the people. In later years, Franklin said that the plan was not accepted because to the colonies it seemed too monarchical and to the English government it seemed too democratic. He believed that it would have averted

the Revolution. The reasons for its failure were probably psychological. What was desired was a loose confederation, not a union. At this distance of time, the Albany Plan seems superior to the Articles of Confederation under which, or despite which, the Revolution was carried to a happy ending in the Constitution. But we should not feel superior to the people who rejected the Albany Plan, since it took the American people from 1775 to 1865 to solve the problem of union in part, and since the perfect solution still evades us.

The War and the Assemblies. During the war the colonial assemblies raised their already high regard for themselves, since their importance in finance was made very clear.

The Accession of George III. One event of the war years which excited the imagination of the colonists was the accession of George III on the death of his grandfather, George II (1760). The coming of this bold, confident young man at a time when the British were winning victories everywhere was cheered on all sides as the auspicious beginning of a brave new age. What was not known was that the new king was disgusted with the political bargaining and bickering of his grandfather's reign and was resolved to head his people personally.

Were the Colonists Dissatisfied in 1763? The American colonists frequently were irritated by royal government and had some strongly held objections to certain of its practices, but there was no real dissatisfaction with being part of the empire nor was there any disloyalty to the crown in principle. The Americans objected because instructions to the governors were mandatory, whereas the assemblies were convinced that they should be consulted. They objected to the absence of juries in admiralty courts (which tried smugglers). They objected to the fact that judges in America usually had tenure at the pleasure of the crown, and could hardly be stirred by American pressures. But none of these objections were any stronger than the criticism of a modern political administration by the "outs." Generally, there was more friction among groups—religious, political, economic—in America than between the colonies and royal government. The constant friction between royal governors and the assemblies was part of normal political life, and, indeed, the colonists seem to have rather enjoyed it. The duties and the Navigation Acts were so laxly enforced that evasion became standard business practice, and the majority of people probably felt that they were not directly affected anyway.

TOPICS FOR FURTHER STUDY

1. Select and describe a typical frontier raid of one of the first three wars.
2. How did the colonists take Louisbourg in King George's War?
3. Write a comparison of Pitt and Newcastle.
4. Give an account of George Washington's military career in the years 1752-1755.
5. What specific instances can you set forth which illustrate the need for better intercolonial co-operation in the Seven Years' War?
6. Compare and evaluate the Albany Plan of union and the Articles of Confederation.

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Significant Dates

Royal Proclamation concerning America	1763
Stamp Act	1765
Declaratory Act	1766
Boston Massacre	1770
Boston Tea Party	1773
"Intolerable Acts"	1774

CHAPTER X

IMPERIALISM AND OPPOSITION

THE COLONIES IN THE EIGHTEENTH CENTURY

New England. In the first half of the eighteenth century the New England colonies came to the political maturity which enabled them to contribute so much to the revolutionary theorizing of the last quarter of the century. The most persistent note was the continuance of the conflict between the people in their assemblies and the British government. Massachusetts had a royal governor and was the most populous of the New England colonies. Here the fight centered, as the assembly and governor quarreled over the governor's salary, upon the nomination of certain classes of officers, and upon the currency question. The New England frontier, by 1750, had been thrust in tongues of settlement up the valleys to the headwaters of the New England rivers south of the Kennebec. The old town-unit movement of population had partly broken down, and the "west" was dotted with solitary settlements. The frontier people lived in a different society from the coastal population, and east-west

cleavage was seen in social and economic divisions. New England life was still a Puritan way of life, but secularization of the New England mind proceeded steadily.

The Middle Colonies. The Middle colonies were thriving and bustling places. In the years 1720–1756 New York's population almost tripled. Politically, New York showed the same rift between governor and assembly that Massachusetts did. New York City was the third town of the colonies and more cosmopolitan than ever. Farther south, the colonies on the Delaware River and in Pennsylvania, Delaware, and New Jersey received the largest inflow of population—which resulted in a corresponding growth and economic expansion. The broad tolerance of Pennsylvania institutions encouraged the growth of secular habits of thought. Philadelphia was the largest and richest town in America and acted as warehouse or entrepôt for the Delaware valley as well as for Pennsylvania.

The South. The political history of Maryland from 1715 to the Revolution was the history of a contest between assembly and proprietor, with the assembly generally pulling ahead. Maryland's economy was more nearly stabilized in this century by the rise of diversified farming in the back country which partially offset the fluctuations in the economic condition of the tidewater counties where the market price of tobacco determined all things. In Maryland, as elsewhere, there was a widening gulf between east and west. This gulf was even plainer in Virginia, where the back plateau and valleys were filling with "secondary" immigration from the colonies north of Virginia; the newcomers felt little in common with the planter aristocracy. Many tidewater planters had a sharp interest in the future of the Ohio valley but, at the moment, the French blocked the western corridors. North Carolina remained a frontier community, looked down upon by neighbors with better communications, but receiving its share of eighteenth-century immigrants; land quarrels colored its political life. Conversely, South Carolina prospered almost from the start and continued to do so. Charleston was the busy town of the planter aristocracy with perhaps more of elegance and glitter (at the expense of slave labor) than any other American town. The westerners were held in low esteem and were almost excluded from government.

The West Indies. In the sight of eighteenth-century Englishmen, the West Indies were the most valuable part of the empire. They were valued because of the sugar they produced and because of their strategic location. None produced all of their food, and this

made them a market for North American produce. Many of the planters were absentees, and the social and cultural level of the islands was low. There was no important political localism such as was developing in the North American colonies.

POSTWAR IMPERIAL PROBLEMS

Imperialism, in the sense of a deliberate and orderly plan to extend the control of Britain to the colonies, first became a guiding British policy after the Seven Years' War. The attempts to enforce earlier laws and the enactment of new imperialist legislation were resolutely resisted in America in the decade after the war. British insistence on unpopular policies and antiquated procedures stimulated American opposition and brought the mother country and the colonies to the edge of war by 1774.

Administration. The government of the empire had worked fairly well during the Seven Years' War, but solely because of the genius of William Pitt. Among other changes, he had placed the president of the Board of Trade in the cabinet, making the Board almost a colonial office. When Pitt resigned in 1761, the Board receded again. The end of the war put new strains on the antiquated imperial machinery by enlarging the empire. The old system had been designed for trade, not for government; and when imperialism succeeded mercantilism as the prime interest of a new and energetic government, it remained to be proved that the old system could be used for the purpose. Of course if a regulation was popular in America the system made little difference, but some of the new devices were not popular.

The King's Revenues. The British national debt had been doubled during the war. To ask the British taxpayer to meet the added cost of servicing this debt and also to finance the increasingly expensive royal government in America seemed unfair to British leaders. Although Americans were paying their own way in local government, they were contributing practically nothing toward paying the costs of the empire as a whole—for example, those of the Royal Navy. Therefore the notion of requiring the colonies to do more to support the empire with pounds, shillings, and pence began to crystallize.

The Regulation of Commerce. Evasion of the Acts of Trade was so common and widely known that the enforcement of the acts (and their incidental taxes) seemed a natural place to start raising a revenue from the Americans. And the American merchants could

count on little British sympathy since it was clear that their illegal and profitable trade with the enemy in the West Indies and elsewhere had prolonged the war, perhaps by several years, thus increasing the amount of blood and treasure which had to be spent to win. A specific example was the export of American food to the French—which had so raised prices that it had been cheaper, on occasion, to contract for army rations in England for troops operating in America.

Frontier Policy. Frontier questions which had long been pressing for solution and which had faced the Albany Congress before the war could not be tabled indefinitely. The problems of Indian relations, land distribution, and western government were particularly urgent. Conflicting colonial interests had so far made the adoption of a comprehensive western policy impossible; it was a question requiring a “national” approach.

INDIAN RELATIONS. So far, no government had permanently protected the Indians and the frontiersmen from each other. Neither side could enforce treaties, and both Indians and whites practiced reprisals on the innocent for the deeds of guilty strangers. As long as the advance of the agricultural frontier was unregulated and as long as debauchery and incitement to war were standard fur-trading procedure, blood would continue to flow in the little clearings of the western forests.

PONTIAC'S CONSPIRACY. All western problems were brought to a head by Pontiac's uprising, 1763–1765. The underlying causes of the uprising were the steady movement of white population westward and the fact that the new British garrisons did not fraternize with the natives as the French had formerly done. The immediate causes were the cutting off of gifts at the end of the war when the British thought they no longer needed Indian friendship and the fact that some vague, unofficial promises of French help had been made to the Indians by private individuals. Pontiac, with rare gifts for organizing, conspired with a large number of Indians for a simultaneous attack on every important British fort of the west. All but Detroit and Fort Pitt were captured, but the conflict ended when the British were able to put a large force into the Ohio country and the Indians realized that no French help was forthcoming. About two hundred settlers and traders had been killed. The uprising showed the need for control of the interior, and future western policy flowed from it.

THE PROCLAMATION OF 1763. As an emergency measure, a royal proclamation in 1763 had created an Indian reserve west of the

Allegheny divide. The chief merit of the new boundary was that land speculators could recognize it easily; but because it was determined in a hurry, the new boundary had certain obvious faults. At its farthest points north and south it lay unnecessarily far west of white settlement, whereas in Pennsylvania, Virginia, and North Carolina it was so close to white settlement as to promote friction. All other regulations regarding Indians were rescinded.

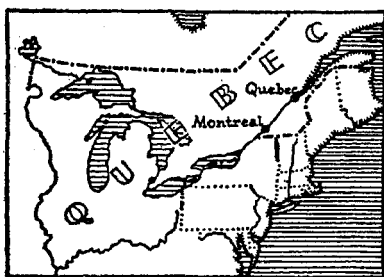
In the hope of regulating and levying taxes upon the fur trade, rules governing missionaries, firearms, and credit to the Indians were drawn up in the following year; and two *superintendencies* of the Indians were established, divided by the Ohio River. The plan was statesmanlike, but very expensive. Although it was expected that the southern superintendency alone might produce eight thousand pounds a year in taxes, salaries of the administrators and presents to the Indians added up to about eleven thousand pounds.

FAILURE OF THE POLICY. In the five years after the proclamation, British policy was vacillating. In 1768, detailed administration of the west was abandoned because a new ministry thought it too expensive. It had been hoped that the Americans might be taxed to pay for it—but that was, it turned out, an idle fancy. The western jurisdiction was restored to the colonies—who promptly began to break down the boundary line, moving it west section by section in the interest of land speculators whose appetite for acres was practically uncontrollable. One of the more ambitious speculative projects was the proposal to establish a new colony behind Virginia, to be named Vandalia. Among the promoters were Benjamin Franklin and two members of the British cabinet. The new colony was approved by the crown in 1775, but the outbreak of war prevented further development.

LORD DUNMORE'S WAR. In 1774 the return to the old disorder of things was made clear by an Indian war around the upper waters of the Ohio system, a war which takes its name from John Murray, Earl of Dunmore, the aggressive governor of Virginia who led his troops into the area.

THE QUEBEC ACT. By the Treaty of Paris, Canada with a population of about seventy-five thousand came under British rule. The inhabitants were mostly French, and from 1763 to 1774 they lived under English law. They desired the restoration of French law (specifically of the "Customs of Paris") and wished also for certain changes in the status of religion. By the treaty they had been promised religious freedom "as far as the laws of Great Britain

permit." The letter of the English law gave no legal rights to Catholicism, but an informal toleration was practiced in Canada by the English authorities. The Canadians wished a legal equality with the Church of England. All their requests were met in an admirable piece of colonial legislation, the Quebec Act (1774), which re-established French law in civil cases, set up an executive government, and recognized the Catholic church officially. However, it also attempted a partial solution of the western problem by extending the boundaries of Canada to the Ohio and Mississippi rivers for three reasons: (1) to provide government for large new landholdings, (2) to regulate the most important part of the fur trade, and (3) to



Boundaries of Quebec, 1774

unite seven thousand French *habitants* of the Illinois country with a congenial church and state. The act aroused great hostility in the British colonies. It ignored many territorial claims of the colonies. It disappointed a number of land speculators who could not expect Quebec to be as generous with great grants as their local

governments were, and it put the fur trade under the executive government of Quebec. To the Americans, embroiled with royal government in serious quarrels, the form of government provided for Quebec looked like tyranny. And as for the religious provisions, the Boston clergy expressed the typical view of English colonists when they said that those provisions of the act must have provoked a "Jubilee in Hell."

LAND POLICY OF 1774. Land speculators were angered in 1774 by orders to colonial governors to dispose of ungranted lands only after prior survey and at auction to the highest bidder. This destroyed the hopes of getting for practically nothing large tracts beyond the limits of settlement.

OCCUPATION OF THE FLORIDAS. The British established half-a-dozen military posts in the Floridas in the years from 1763 to 1770. The headquarters of the southern Indian superintendency was established at Pensacola. Several fur-trading companies drove a brisk trade with Indians as far north as the Illinois country. An assembly was elected in 1766 and duplicated the experience of the Atlantic seaboard assemblies by frequently quarreling with the governor. There was a

small but steady flow of immigrants into the Floridas from Britain and the older colonies, augmented by loyalists during the American Revolution.

English Politics and Politicians. Explanation of English political life in the eighteenth century has often been oversimplified by speaking as though there were two distinct parties. In practice, at the time of the American Revolution there was one Whig party split into rival factions. Tories had been eliminated. Pitt had held the factions together during the Seven Years' War but when he resigned, factionalism had resumed its normal course. From 1762 to 1782 there were many ministries, made up of factions which combined their forces in order to secure a majority vote in the House of Commons.

FACTIONS. The following were the principal factions in the years after the Seven Years' War. (1) The *Old Whigs*—led by Newcastle, Rockingham, Burke, and Charles James Fox—who considered themselves the heirs of the "Glorious Revolution" and who assisted the American cause, not for love of the Americans but to assert legislative superiority over an energetic and obstinate executive. (2) *Pitt's Following*—led by the elder Pitt, Grafton, Camden, and Shelburne—who wanted to lead a nation not a party. They believed that Parliament could legislate anything for America except direct taxes. On this theory they opposed the Stamp Act, and Pitt became a hero in American eyes. (3) The *Bloomsbury Gang*—led by Bedford, George Grenville, and Henry Fox—who, with their followers, were genuine oligarchs since they combined for their own advantage and advancement. (4) The *King's Friends*—led by the king through North and Bute—who used the government as it was and tried to win back the royal leadership by large-scale buying of Parliamentary votes. George III spent so much on bribery that his household sometimes went short. It was this group which conducted the government through the Revolutionary War to defeat. (5) Charles Townshend and Lord Barrington were prominent but belonged consistently to no faction; they were persistent in seeking office and might well be called the "*Job Hunters*." It should be remembered that almost none of the men of these five groups could qualify as experts in colonial matters and that American affairs occupied but a fraction of their time.

MINISTRIES. Eleven ministries held office in the years from 1757 to 1801. The following table shows the inclusive dates, leaders, and the important factions or combinations supporting them.

1757-1762	Newcastle, Pitt	Old Whigs, Pitt's Following
1762-1763	Bute	King's Friends
1763-1765	George Grenville	King's Friends, Bloomsbury Gang
1765-1766	Rockingham	Old Whigs
1766-1767	Pitt, Grafton	All factions
1767-1770	Grafton	All factions
1770-1782	North	King's Friends, Bloomsbury Gang
1782	Rockingham	Old Whigs, Pitt's Following
1782-1783	Shelburne	Pitt's Following
1783	Portland	"Infamous Coalition": King's Friends, Old Whigs (in part)
1783-1801	Pitt the Younger	King's Friends, later joined by Portland's Whigs to make the New Tories.

Before Lord North's, not a single ministry fell on an American issue.

REVENUES, OPPOSITION, AND MODIFICATION

Revenue Policy. At the close of the Seven Years' War, Parliamentary leaders set to work to raise revenues in America by collecting duties and internal taxes. At the same time, they regulated the currency and provided for the maintenance of a military garrison in America. These acts were badly timed. The colonies were suffering an economic depression and had little hard money, although the new taxes required it. Thus economic pressure, in addition to the political convictions of many colonists, worked against the policy.

THE SUGAR ACT (REVENUE ACT), 1764. For the Molasses Act of 1733, Parliament substituted the Sugar Act in 1764. This halved the duties on molasses, but—for a change—the British intended to enforce the law. New duties were laid on silk, lawn, and calico. To promote the consumption of port wine as a help to Britain's ally Portugal, heavy duties were placed on all wines except those shipped by way of England. The preamble to the Sugar Act was very frank in stating that it was intended to improve the "revenue of this Kingdom." The money collected was to be kept in a separate account to meet the cost of defending the American colonies. This was to be the end of the practice of coaxing assemblies to pay their quotas of military expenses.

THE CURRENCY ACT, 1764. In the same year in which the Sugar Act was passed, Parliament, in the Currency Act, prohibited the further issue of legal-tender bills of credit. In the absence of much coin, the colonists made out as best they could with temporary tax-anticipation notes of the colonial treasuries and the notes of loan

banks. This prohibition explains much of the hostility among the rural debtors, since provincial bills of credit had circulated freely for at least half a century, with a common inflationary effect.

THE STAMP ACT, 1765. The Sugar and Currency acts contained no really novel ideas, but in 1765 Parliament enacted an internal revenue tax for America, the Stamp Act. Stamp taxes were conventional and customary in England, but not in America. Stamps were required on specified documents and luxury articles in the same manner that real-estate transfers, playing cards, tobacco, and liquor are taxed today. Actually the taxes were light, in many cases less than the English taxpayer paid. The uproar in America was not caused by the financial burden, but came because of the novelty and because the colonists had not been consulted.

THE QUARTERING ACT, 1765. The ministry intended to send more troops to America than formerly. In order to provide quarters, the Quartering Act was passed. It stipulated that troops could be lodged in inns, taverns, uninhabited houses, and barns if local barracks were inadequate. These quarters were not to be seized but to be rented at colonial expense through local civil officials. Nothing in the act permitted officers to billet their men in occupied private houses. Certain rations and furniture were to be provided at the expense of the local colonial treasury. In New York the royal governor called two successive elections in order to secure the election of an assembly which would give in and solve the billeting problem by voting to erect barracks at New York's expense.

Opposition. The American opposition to the new colonial policy fell into three chronological divisions. The first period was that in which the colonists opposed the acts of 1764 and 1765. In the second period of controversy the Americans fought the Townshend Acts (1767-1770), and the third debate began with the Boston Tea Party and ended in war.

DEBATE ON THE SUGAR ACT. The Sugar Act initiated the first debate on imperial policy. Virginia leaders attacked it. Samuel Adams urged the Boston Town Meeting "to resist the beginnings" of a revenue policy which would spread to other subjects of taxation. In a case involving the use of writs of assistance¹ James Otis had argued constitutional theory, and in 1764 his arguments were developed in a pamphlet *The Rights of the British Colonies Asserted and Proved*. He argued thus: A law to tax men without their consent is

¹ "Writs of assistance" were papers which identified the bearers as customs officers and directed local peace officers to assist them.

unreasonable; that which is unreasonable is unconstitutional; that which is unconstitutional is void. This became a leading doctrine of American constitutional theory.

SOAME JENYNS. When the Stamp Act was passed, one of the commissioners of the Board of Trade, Soame Jenyns, defended it in a pamphlet *The Objections to the Taxation of Our American Colonies . . . Briefly Consider'd*. He argued that the Americans, although they elected no members of Parliament, were nevertheless represented, like many voteless Englishmen, because Parliament represented all Englishmen. He considered the colonial charters to be like the charters of any other corporations which could make bylaws but not real laws. He also alleged that American manufactures rivaled the British because of the protection the British had given them—a plainly false statement of the facts.

DANIEL DULANY. Soame Jenyns' essay was answered by Daniel Dulany (the younger) in a pamphlet *Considerations on the Propriety of Imposing Taxes in the British Colonies* (1765). He denied the theory that the Americans were "virtually represented" in Parliament and distinguished between taxes for the regulation of trade by Parliament (admissible) and those for revenue only (inadmissible), the Stamp Act falling in the latter class. Perhaps more significant is a hint of the idea of federal union which is contained in his essay—the idea that the colonies, while politically inferior, had certain powers with which Parliament could not legitimately interfere. Some of his sentences, with slight changes in style, would not be out of place today in a Supreme Court opinion on the relations of the states and the United States. His denial of virtual representation and of taxes only for revenue laid down the line which protesting colonists followed for the next two or three years.

THE VIRGINIA RESOLVES, 1765. The Virginia House of Burgesses condemned the Stamp Act as a violation of the right of Englishmen to be taxed only with their own consent, and propagandists added two resolutions (which were not adopted) denying that Virginians had to obey any laws not passed by the House of Burgesses. It was on this occasion that Patrick Henry made his carefully phrased, invidious remarks which have grown by pious accretion into the passionate and heroically patriotic "if-this-be-treason" oration.

STAMP ACT CONGRESS, 1765. After the Virginia Resolves had been circulated, Massachusetts proposed a meeting of antistamp-tax people. Nine colonies were represented in the Stamp Act Congress at

New York. They adopted thirteen moderate resolutions, the strongest two of which said that English subjects could not be taxed without the consent of their representatives and denied that the colonists were represented in Parliament.

NONINTERCOURSE AGREEMENTS. Many merchants in the North signed agreements to have no relations with British businessmen until the Stamp Act was repealed.

VIOLENT RESISTANCE. In addition to literary, political, and economic tactics, the stamp taxes were opposed by violence. A new revolutionary organization, the Sons of Liberty, appeared. The members enforced the nonintercourse agreement, forced collectors to resign, using tar and feathers and threats to achieve their ends. One mob sacked the house of the Chief Justice of Massachusetts. Most mob leaders went unpunished.

Modification. In March, 1766, Parliament repealed the Stamp Act but coupled the repeal with a declaration that the policy had not been illegal.

REPEAL. The Stamp Act being plainly unenforceable, Parliament listened to the complaints of British merchants who feared to lose both future American business and past American debts, and repealed it. Testimony by lobbyist Benjamin Franklin, who was London agent for several colonial governments, was influential in the decision to repeal.

THE DECLARATORY ACT. When repealing the Stamp Act, Parliament passed the Declaratory Act, which declared that the king and Parliament could bind the colonists in all cases whatsoever. It was, in wording and effect, a declaration of dependence. The Currency Act and the Sugar Act were still on the books, but in America they and the Declaratory Act were temporarily ignored and the repeal of the Stamp Act was welcomed with bonfires and public dinners. Because Pitt had opposed the tax and George III had agreed to the repeal of it, they were both complimented by the erection of statues. Pitt's is still standing.

TOWNSHEND, TEA, AND "TYRANNY"

The Cabinet's Problem. The new cabinet under Grafton undertook in 1767 to reduce land taxes in England. This threw the budget out of balance, and when the ministry was charged with being afraid to tax America the new Chancellor of the Exchequer, "Champagne Charley" Townshend, produced his famous acts. The purpose

of the program was to enforce the acts of trade, raise a revenue for governing the colonies, and leave a balance for salaries of royal officials in America. Considered only from a financial viewpoint these taxes were successful, but politically they failed.

The Townshend Acts, 1767. (1) The Duty Act reduced the tax on molasses and instituted new duties on tea, paper, paint, glass, and lead. It should be noted that none of these were internal taxes like the stamp tax which had been so sourly received. Among the administrative provisions was the express authorization of writs of assistance. (2) Other acts tightened the customs service, which for the first time became efficiently and profitably administered, and centralized the Vice Admiralty courts.

Colonial Protest. The Duty Act took the colonists by surprise. In some instances the new regulations (and the manner of their enforcement) made rebels out of loyal subjects, although not many were actually disloyal in principle in the 1760's.

MASSACHUSETTS CIRCULAR LETTER. The Massachusetts General Court issued a *Circular Letter* (written by Samuel Adams, James Otis, and Joseph Hawley) to the other assemblies arguing from natural law that what a man has acquired honestly is his and can be taken only with his consent—hence taxes could be levied only by his colonial assembly. The British ministry made an issue of it and directed the governor to secure a rescission of the *Circular Letter*. The General Court refused to withdraw it by a vote of 92-17, and the number "92" became a popular symbol.

THE VIRGINIA RESOLUTIONS. In Virginia sympathetic resolutions were introduced in the House of Burgesses. Among the supporters of the resolutions were two promising men, Thomas Jefferson and George Washington.

JOHN DICKINSON. The most influential literary attack on the position of the British ministry came from John Dickinson in his *Letters from a Farmer in Pennsylvania* (Dickinson was a Philadelphia lawyer). He offered a new distinction. At the time of the stamp-tax controversy, men had distinguished between external taxes and internal taxes, admitting the former and denying the latter. Now, Townshend's acts were external taxes; but Dickinson said that, although external taxes which regulate trade were constitutional, external taxes for revenue only were not. A contemporary cynic said that what Mr. Dickinson's friends found unconstitutional was not the levying of taxes but the collection of taxes. To be fair to Dickinson, it should be remembered that everywhere in the common-law

world people have generally felt that what is customary is constitutional and that what is novel is not—an important factor in the growth of the common law.

NONIMPORTATION. In the years 1768–1770 there was a non-importation movement, aimed at alarming the British merchants. South of Pennsylvania there was no sympathy with the movement, but it is estimated that Anglo-American business was cut in half in New England and Pennsylvania and that seven-eighths of New York's trade with England was stopped. Many merchants who entered this scheme dropped out of the resistance movement because they were alarmed at the violence of their new lower-class friends of the Sam Adams stripe. Nonimportation alone was not responsible for any change in the British attitude.

VIOLENCE. There was sporadic violence against British officials. When John Hancock was detected smuggling Madeira in his sloop *Liberty*, the customs officers were driven to take refuge on an island in the harbor to escape mob violence. In New York there were riots when the Sons of Liberty erected a liberty pole, with casualties of one dead and several seriously injured. The augmented garrison of Boston found the Bostonians less than tolerable, with enlisted men suffering assault and battery in dark streets and the officers being socially boycotted. Boston's civil-military tension reached its climax when a crowd which had been jeering and snowballing some soldiers on guard duty was fired on in what was called the "Boston Massacre" (1770).

Repeal of the Duty Act. Against the feelings of some of the leaders, King George III prevented the following of a severe policy, and the revenue provisions of the Duty Act (one of the Townshend Acts) were repealed as being harmful to manufacturers. However, the tea tax and the complex regulatory sections of the Duty Act were retained.

Organization of the Radicals. Anglo-American relations from 1770 to 1772 were calm and friendly. In England the king found an agreeable tool, Lord North, who headed the government exactly as the king wished, from 1770 on. But in America the conflicts of the recent past were not forgotten and, despite apathy and indifference, a little group of radicals, with Samuel Adams the chief, took care that the spark of resistance never quite died.

PEACE AND PROSPERITY. Prosperity, as it so often does, turned Americans' faces from politics. America's 40 per cent of the imperial shipping was busy. The West Indian trade was vigorous. New Eng-

land exported fifty times as great a quantity of fish as old England did, and monopolized the molasses trade of the New World. To many people it must have seemed that they had much to lose and little to gain by political agitation. Until Parliament acted, they would not act. Meanwhile, they ignored the Declaratory Act and the tea tax.

SAMUEL ADAMS' WORK. To Samuel Adams of Boston, the American apathy toward the question of Anglo-American relations was a dangerous state of affairs. He saw a conspiracy afoot to get rid of the "democratical" part of the government. He saw people getting used to the new regulations and royal salaries, foresaw that leaders would be wooed with pensions, knighthoods, and peerages and that then royal government would be firmly fixed on the colonies. Taking advantage of every spark from every friction, he energetically fanned the embers of the old discontents. He organized committees of correspondence in Massachusetts, which were propaganda committees to circulate arguments against royal government and anecdotes of its shortcomings (blowing them up to "atrocities" if possible). From Massachusetts the idea of committees of correspondence spread to other colonies, as he had hoped.

FRICTIONS. (1) In 1772 the British ship *Gaspee* ran aground in Narragansett Bay, where Rhode Island smugglers burned her to the water's edge. Parliament resolved that in any future similar case the malefactors would be removed to another jurisdiction for trial for treason. Adams publicized the idea of change of jurisdiction as tyranny. (2) Governor Hutchinson of Massachusetts had written private letters in which he said that some American liberties must be curtailed in the interest of an integrated and greater empire. Benjamin Franklin, the London agent for Massachusetts, secured some of these letters and sent them to Massachusetts, where they were published, causing such a storm that Hutchinson had to resign. (3) New England fears of an Anglican episcopate had remained alive from the days of James II, and some professed to see that bishops would soon be consecrated for New England dioceses.

The Tea Policy. None of the frictions of the years after 1770 was warm enough to excite many people, but Lord North's government handed the American radicals a ready-made issue. The ministry adopted a "clever" scheme to rescue the stockholders of the venally managed East India Company, which had a monopoly of the Asiatic trade of England. In 1773 the company was in a poor financial condition and its principal asset was a surplus of tea. In these years

Americans used a great deal of the company's tea, but a still greater amount was smuggled from the Dutch West Indies.

THE TEA ACT, 1772. By act of Parliament the company was given a "drawback" (refund of taxes) on tea sent to America and the company was allowed to sell direct to retailers in America, a privilege which was damaging to the established importers in America. With middlemen ousted, with taxes levied in England refunded, and with a great surplus on hand, it was possible to undersell even the smuggled Dutch tea. In many cases the consignees in America were leading members of the royalist and conservative faction later called "Tories." On the other hand, the ousted importers were a normally conservative group but now had an intense grievance of their own.

THE TEA PARTY, 1773. The Tea Act was successfully opposed elsewhere, but only in Boston did the opposition cause immediate violence. A Boston mass meeting, as if by prearrangement, adjourned; and citizens disguised as Indians boarded the tea vessels and threw their valuable cargoes into the harbor. The disguise was Samuel Adams' notion of a dramatic effect—it appealed to the Bostonians, who had no theater.

The "Intolerable Acts." The "Tea Party" aroused imaginations everywhere. Merchants were repelled by this extremist deed—radicals were overjoyed. Englishmen of all classes were indignant, and the king was furious. Most of the British agreed, at the moment, that they had appeased the Americans as much as possible and now could go no farther. In America, the radicals hoped for this attitude and rather expected their hopes to be realized. Although some in Parliament saw the mistake, the "Intolerable Acts" (Coercive Acts) were passed in the summer of 1774. This was a decisive moment in the history of the empire, for these were the acts which united the colonies. (1) By the *Boston Port Bill* the port of Boston was closed to commerce until the tea should be paid for. Every American merchant shuddered. (2) The *Massachusetts Government Act* permanently altered the provincial government by providing a new appointive council under a new military governor (General Gage) and appointive sheriffs and justices of the peace. The Boston Town Meeting could assemble only with permission and only to discuss town business. More troops were brought in. (3) The *Quartering Act* was re-enacted for all thirteen colonies. (4) The *Administration of Justice Act* provided that royal officers accused of capital offenses could be tried elsewhere at the discretion of the governor.

This added insolence to pain for the British officers involved in the "Boston Massacre" had received a fair trial, as shown by their acquittal.

Effect and Significance of the Acts. The "Intolerable Acts"¹ did more to unite the colonies than anything which had yet happened. There was an outpouring of sympathetic relief expressed both in money and in supplies. The significance of the acts is clear in a sentence: the acts led to the calling of the Continental Congress which united the colonies in a will to war.

TOPICS FOR FURTHER STUDY

1. Write a short account of the career of the elder Pitt.
2. Briefly state the views on the American question (1763-1782) of the following: Burke, Shelburne, George Grenville, North.
3. Evaluate the Townshend Acts according to the principles of mercantilism.
4. Was Samuel Adams a patriot or a self-seeker?
5. Explain the relation of church and state in Quebec after 1774.
6. What were the terms of the Virginia Resolutions?

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¹ The Quebec Act is sometimes joined to these coercive acts for psychological reasons, since many Americans thought of it as part of the same program, it being equally objectionable to them.

Significant Dates

First Continental Congress . . .	1774
Lexington-Concord Raid . . .	1775
Paine's <i>Common Sense</i> . . .	1776
Evacuation of Boston . . .	1776
Declaration of Independence . . .	1776

CHAPTER XI

FROM RESISTANCE TO INDEPENDENCE

The attempt to punish Boston and Massachusetts for the destructiveness of the Boston Tea Party united the colonists in a new institution, the Continental Congress. When Lexington and Concord men attempted to prevent a British raid on militia stores, blood was shed and a disorganized army of Americans arose overnight. After maintaining an army in the field for more than a year, the Continental Congress made its position rational by the Declaration of Independence.

RESISTANCE

The First Continental Congress. For expressing sympathy with Massachusetts the Virginia House of Burgesses was dissolved by the governor, but it reconvened unofficially in a tavern and issued a call for a Continental Congress to convene in Philadelphia in September, 1774.

NEW CONSTITUTIONAL LITERATURE. The "Intolerable Acts" had pushed the question of imperial relations beyond the tax problems.

New views of the constitutional issues were forthcoming. James Wilson, in . . . *The Legislative Authority of the British Parliament* argued what is now called "dominion status"—that is, that the only dependency of the colonies was on the crown. John Adams in the *Novanglus* letters took the same view but would allow Parliament to regulate trade. These theories, or something like them, now govern the relations of the United Kingdom with the overseas dominions but were not accepted in the eighteenth century.

CHARACTER OF CONGRESS. The "Intolerable Acts" were intended to isolate Massachusetts, but had the opposite effect. The Continental Congress had the best representation of any inter-colonial meeting yet held, only Georgia being unrepresented. In a sense Congress was an extralegal (but not illegal) convention of committees of correspondence. Its members were chosen by the committees of correspondence, by the lower houses of assemblies, by local committees of safety or by local mass meetings. It was a huge patriotic union but had its inner divisions. Politically there were three groups. There was a small extremist faction which hoped to use force ultimately but had to speak softly for the time being (Patrick Henry, Samuel Adams). There were conservatives (George Washington, John Jay, John Dickinson) whose moderating influence probably prevented the Revolution from passing through a phase of terrorism. Finally, there were ultraconservatives (like Joseph Galloway) who could sponsor neither force nor independence and who, in many cases, remained loyal to Britain throughout the war that was to break soon. The collective attitude of Congress in 1774 was a reluctant willingness to resist the British by force if all else failed, but not to fight for independence. Congress was not a republican convention, and nobody in America publicly advocated the establishment of a republic until late in 1775.

Decisions of Congress. In Congress the colonies made a united constitutional protest, practically proclaiming dominion status—not as something which they should have but, more strongly, as something which they already had. They continued to recognize the king as the binding element in the empire.

THE GALLOWAY PLAN. By a margin of one vote, Congress rejected the plan of Joseph Galloway for a union of the colonies under a *president-general* to be appointed by the king, and a *grand council*, to be chosen by the colonial governments. Since both Parliament and the grand council would have been required to agree on any further peacetime regulations of the colonies, the grand council would, in

effect, have been a third house of Parliament, sitting in America and considering only American affairs.

THE SUFFOLK RESOLVES. Resolutions had earlier been adopted in Suffolk County, Massachusetts, stating that the "Intolerable Acts" were null and void. Congress endorsed the Suffolk County views.

THE DECLARATION OF RIGHTS AND GRIEVANCES. Congress drew up a statement of American rights and grievances which explicitly stated the Americans' political theory, denied the justice of taxation without representation, and demanded the repeal of certain acts of Parliament including the "Intolerable Acts" and the Quebec Act. It may be noted that this statement did not attack mercantilism nor did it protest the payment of royal officials from British funds. The declaration, however, went about as far as any such statement could go, short of independence and war.

THE ASSOCIATION. An agreement to have no commercial relations with the British was made in the hope that British merchants would press Parliament to repeal the obnoxious acts. Its enforcement was left to local committees of correspondence and similar bodies, who made it the most effective of such agreements yet signed.

OTHER ACTS. In addition to endorsing the Suffolk Resolves, the Declaration of Rights and Grievances, and the Association, Congress asked the king to redress grievances of the Americans. Addresses were sent to the people of Quebec and to the people of England, in the hope of arousing sympathy. The address to Quebec attempted the impossible task of converting the Canadian French to John Locke, trial by jury, habeas corpus, the purse power, free press, representative government, and an alliance with the British colonies—all in less than four thousand words.

The British Reaction. When word of what Congress had done reached England, Pitt (now Lord Chatham) offered a resolution to pull the troops out of Boston, but it lost. Edmund Burke delivered his memorable oration on conciliation with the American colonies, but to empty benches. With one hand, the North government offered to go back to the custom of requesting assemblies to appropriate funds when needed, but with the other hand it pushed through an act which barred New England fishermen from visiting the Grand Banks. It was becoming increasingly clear that the Americans must submit or fight.

"The Appeal to Heaven": Lexington and Concord. John Locke, the seventeenth-century English political philosopher who was the favorite political theorist of the Americans, had described a just

rebellion as "being properly a state of war, wherein the appeal lies only to Heaven." Some Americans were beginning to think that they had exhausted every other last resort. The appeal was soon to be carried.

POLITICAL BACKGROUND. Massachusetts had been in a state near to armed rebellion since the fall of 1774, when General Gage had dissolved the assembly and when it had gone to Salem to sit out of his reach as a provincial congress. There it governed non-Bostonian Massachusetts through a Committee of Safety which began to organize supplies, munitions, and Minutemen. The Minutemen were members of the militia who were to be ready, at a minute's notice, for any eventuality. No outrage or illegality could be read by the British into any order calling out the militia or a part of it. There was a long militia tradition in New England, where universal service was required of men between the ages of sixteen to sixty. The militiamen were usually "mustered" twelve times yearly. They were armed by themselves or by their towns, not by the crown. In emergencies involving force, whether caused by Indian or other threats, the New England people thought first of their militia.

THE LEXINGTON-CONCORD RAID, APRIL 19, 1775. Early in 1775 Gage began sending officers in disguise to reconnoiter near-by towns. They reported strong feelings of hostility everywhere and learned that the provincial congress was having stores deposited at Concord. In April the British decided to raid Concord and seize the supplies there. The Americans, forewarned, sent Paul Revere and William Dawes on their famous rides to alarm the countryside. A British force of about a thousand infantrymen were ferried from Boston to Charlestown, where they fell in for a night march to Concord. Shortly after dawn they reached Lexington to find fifty militiamen aligned across the green; and in a short skirmish the War for American Independence started, with eight Americans dead and ten wounded. At Concord the British occupied the village, stationing a detail across the bridge on the far side of town where embattled farmers attacked them and gained the rude bridge for themselves, firing the "shot heard round the world." In Concord the British destroyed the few stores that had not been removed and began their return march to Boston, with sniping farmers harassing them all the way. After a sleepless night and a long march in formation, the British troops were nearing exhaustion and might have been annihilated had they not been reinforced by fresh troops near Lexington. As they slowly withdrew into Boston the Americans closed in

behind them, and Boston found itself besieged. The American casualties were 93, the British 273.

AMERICAN AND BRITISH REACTIONS. American accounts of the opening of warfare circulated rapidly, and armed men began moving toward Boston from all New England. Preparations for war were made in all colonies, and anti-British resolutions were adopted. In the midst of the excitement the Second Continental Congress convened as originally scheduled. Although a majority were still against independence, they were convinced that they must support Massachusetts. It was decided to resist the British (or "ministerial") army while stating their loyalty to George III. It was hoped that this would precipitate a cabinet crisis in London, bringing on a new and more friendly ministry which might make concessions. Accordingly, Congress (1) assumed charge of the war and of the "army," (2) appointed George Washington commander-in-chief, (3) adopted a "Declaration . . . of Causes of Taking Up Arms," and (4) sent another petition to the king, popularly named "The Olive Branch."

Enter Washington. The appointment of George Washington as commander-in-chief, for mixed political and military reasons, was a great stroke for the American cause. No demigod, and hardly to be described as brilliant, he had great personal bravery, a cool head in an emergency, and a selfless devotion to duty (in which trait he offered a clear contrast to many of the British generals). His prudence, persistence, and zeal made him exactly the man for the difficult and discouraging job, which he accepted simply and reluctantly.

Bunker Hill. Before Washington arrived in New England to take over his new command, a significant battle was fought. Because the hills commanded Boston, Americans seized Breed's Hill, just below Bunker Hill and above Charlestown, across the river from Boston. The British made an attack upon the Americans (June 17, 1775), taking bloody losses, but forced the hilltop by a third desperate attack, owing chiefly to a shortage of ammunition on the American side. The British casualty rate was higher than in any battle of the Seven Years' War; one-eighth of the British officers killed in the Revolutionary War dropped on the earth of Breed's Hill. Americans exulted everywhere; their casualties at most were less than half the number of the British ones. But in England this great shedding of blood merely stiffened the government's will to enforce its American policy. The Americans now had confidence, and after Lexington, Concord, and Bunker Hill there was to be no turning back.

Evacuation of Boston. When Washington assumed his new duties, the army was in confusion, supplies were short, enlistments were expiring. If General William Howe (who succeeded Gage after Bunker Hill) had attacked the Americans vigorously, it is barely possible that he might have relieved the city; but Washington soon inspired the army with new life. Ethan Allen and Benedict Arnold took Ticonderoga and Crown Point from small and flustered British garrisons and sent artillery and supplies to Boston on sleds. With these weapons Washington in the spring fortified Dorchester Heights, from where the guns commanded Boston and the anchorage. After a delay during which an unspoken armistice prevailed, Howe loaded his transports with his troops and with many Tories and steered for Halifax, Nova Scotia (March 17, 1776). The Americans had won the first round—they had resisted the “Intolerable Acts” and now with Howe’s withdrawal no royal officers were left in Massachusetts to enforce them.

INDEPENDENCE

After fifteen months of armed resistance to royal rule, during which thoughtful Americans carefully counted their blessings and their burdens, Congress defined the issue more clearly by declaring the independence of the thirteen American states.

The Reluctant Revolutionaries. While a large fraction of the American population had shown itself entirely willing to fight, the decision to press for independence was made slowly and hesitantly. To many, Britannia was still their mother, and many others who felt no emotion at the sight of a Union Jack whipping in the wind were equally disinclined to favor independence because they did not wish to lose imperial commercial privileges and the protection of the Royal Navy. Some Americans feared the rise of democracy (which they thought of as “mobocracy”). And there were still many American leaders who hoped for the collapse of the North ministry and the return to power of the Old Whigs who would support the Americans, if not to strengthen the colonies, at least to weaken the crown. During the winter of 1775–1776 the rebels were active. Only the governor of New York kept his seat. The assemblies were dispersed and provincial congresses arose to take their places, beyond the reach of British arms. Ultraconservatives were barred or abstained from voting; hence, the rebels and the disfranchised rose to the benches of authority. If these provincial congresses wheeled into line in support of the idea of independence, Congress would act.

Paine's *Common Sense*. As Maine has said, the progress of ideas is not from the simple to the complex, but from the vague to the clear. From the vague ideas of resisting "ministerial" troops to the clear idea of waging war for independence was a logical step. It was helped mightily when an obscure little man, a middle-class artisan, Thomas Paine, published a pamphlet in January, 1776, entitled *Common Sense*. The pamphlet sold perhaps a hundred thousand copies. In style and timing it was a most efficient piece of propaganda. Primarily it was an argument for independence and favored the establishment of a continental government on a very simple plan. It was novel in that it attacked the British constitution, alleging it to be two parts of tyranny (king and House of Lords) to one part of freedom (House of Commons). Paine said that the Americans were paying a high price in lives and must get something worth the price. That something, he said, should be independence. It has been estimated that Paine's *Common Sense* at least doubled, and perhaps even quadrupled, the number of supporters of independence as of the beginning of 1776.

Roots of Nationality. It is proper to ask to what extent the Americans had an "American nationality" in 1776. By that time many of the earlier intercolonial suspicions and tensions had disappeared with the improvement of travel and communication, and with the discovery of common interests and grievances. But still there were important jealousies and antipathies. Southerners derided the New England "saints," and New Englanders regarded Southerners as commonly unreliable and sometimes knavish. To look overseas, it can be concluded that in politics they were a nation but that in nearly everything else they were tributary and dependent on England. The intercolonial antagonisms were restrained through the war years by the conscious efforts of leaders. After victory they sprang back, strongly.

Some Theoretical Explanations. Practically all practicing historians agree that events have causes. Most of them agree that events have multiple causes (but it has traditionally been a great temptation to use one cause to explain an entire epoch of history). Some of the theoretical explanations of the American Revolution should be examined.

NATIONALISM. It has been said that the war came about because the Americans had become a true nation, in subjection to the British nation, a subjection they could not tolerate—thus, that the American Revolution was an international war. Opponents of this idea argue

that the Americans cheered George III in 1760, that they were very patriotic subjects at the end of the Seven Years' War, and that a full third of them remained loyal to Britain.

ECONOMIC DETERMINISM. Economic determinism, as an interpretation of history, was developed by Karl Marx. Briefly stated, its principles are that the culture of each era is determined by material and economic conditions, that history is determined by successive class struggles for economic power. Economic determinists therefore explain the American Revolution as a struggle of the rising American capitalists against the dominant English mercantilists. Opponents of economic determinism answer that there was no American protest against the mercantile system as such, but only a protest against innovations and that the Declaration of Independence ignored Parliament and its mercantilist acts of trade.

THE ENGLISH TORY THEORY. English Tories said (and still say) that the Revolution happened because the Americans had been allowed too much liberty, that Britain protected the colonies from enemies but received little in return. Opponents say it should be remembered that the elimination of other European powers within the "sphere of influence" of the British—the Dutch of New Amsterdam, 1664, the Spanish of Florida and the French of Canada, 1763—lessened the need of the colonists for British protection and at the same time allowed the British to depend less on the co-operation of colonial assemblies and militia. The colonies, on one side, and the United Kingdom each had less need of the other. Tories also say that the crown stood for the common good of all the people and that the Lords and Commons represented only the great landlords and big business. Therefore, they say, the Americans were aligning themselves with rack-renters and wage-slavers to weaken the only institution which could protect the lower classes from exploitation; and, in proof, they point out the absence of social legislation in England between the time of James II and the rise of democracy. Opponents say that democracy did rise in England, and hence that the exploiters (if any) did not succeed.

THE ENGLISH OLD WHIG THEORY. The most popular exposition of the causes of the Revolution in America has been the Old Whig theory that the Americans had the simple republican virtues and arose in anger against the personal despotism of George III. In this struggle they were supported by many Englishmen who admired the virtues of America and who were convinced that the Americans were fighting the battle of English liberty against tyranny.

THE CONSTITUTIONAL THEORY. Some historians of the English constitution have proposed a more scholarly version of the Old Whig theory, saying that Americans in 1776 were fighting for the same principle that Englishmen had asserted in 1688—that is, the constitutional principle that the king be absolute in matters of administration (prerogative) but limited by law which protected life, liberty, and property. According to this view, first the kings consistently expanded the prerogative by encroaching on the right of property until brought under Parliament by threat of force (1688); then Parliament treated the Americans as it had been treated by the kings (1763–1775). Hence, if Parliament was right in 1688, the Americans were right in 1776. To the supporters of this theory the American Revolution is no simple battle of tyrant versus patriot but an incident in a controversy thousands of years old.

Comparison of Revolutions. The American Revolution was similar in many respects to the major revolutions of Europe but differed in one important way. It had no phase in which terrorism was the official ruling policy (although irregular acts of terrorism against conservatives were frequent). The reasons for the general moderation of the Americans were: (1) There were relatively few extreme radicals and there was no city large enough to produce an urban mob which could dominate the revolution. (2) All of the opponents were living together both geographically and in social strata—there was no strict geographical division nor was it strictly a class war, there being people of all places and all social classes on both sides. (3) The most numerous class in America was that of the farmers who rarely used money. Therefore the inflation of the currency which has accompanied most revolutions did not make the American rebels desperate as it would have if the rebels had been city dwellers.

Toward the Declaration. After the publication of Paine's *Common Sense* (and partly because of it), the current of events set in strongly toward the adoption of a declaration of independence.

INCREASING RADICALISM. There were frequent changes in the personnel of Congress and of the provincial congresses. As alarmed conservatives resigned or withdrew from the movement, the vacancies were steadily filled by more radical men. In the spring several provincial congresses instructed their delegates to the Continental Congress in favor of independence (North Carolina was the first) and Virginia separated herself from the empire by adopting a new constitution in June. On June 7, 1776, Richard Henry Lee, a delegate in Congress from Virginia, moved "That these United Colonies are,

and of right ought to be, free and independent States." (The Declaratory Act of 1766 had said, "are, and of right ought to be, subordinate unto and dependent upon the imperial crown and parliament of Great Britain. . . .") Lee's resolution was referred to a committee composed of Jefferson, Franklin, Sherman, John Adams, and Robert Livingston.

DRAFTING THE DECLARATION. Thomas Jefferson, thirty-three years old and possessor of much political experience, had a gift for happy phrasing and his colleagues let him write the Declaration, they making a few changes. It is one of the most satisfying and thoughtfully constructed literary works in political history. It was approved by Congress on July 2, 1776, and proclaimed on July 4.

THOMAS JEFFERSON. The author of the Declaration of Independence was a man of very broad interests: scientific agriculture, public health, education, architecture, political theory, theology, and practical politics, and in most of these he was more than a dilettante. In politics he was both masterful and tactful. His political career began in 1769, and he was still influential many years after leaving the presidency in 1809. He was a democrat who thought true democracy could be achieved only by an agrarian society. He was sternly against the invasion of civil liberties by government, but urged the extension of governmental power to solve social and economic problems. In the sphere of practical politics he showed his skill by founding the first American political party and by crushing the opposition party. The achievements of which he was most proud were the authorship of the Virginia statute for religious liberty and of the Declaration of Independence and the foundation of the University of Virginia.

The Declaration of Independence. The Declaration was an appeal not to constitutional principles but to natural law, and it drew on the many ideas of political philosophy which were common intellectual currency in the eighteenth century. It was particularly indebted to John Locke's theory of the right of revolution, which in turn was rooted in the past. The signers had earlier denied any jurisdiction over America by Parliament; now they acted to break the strand which tied them to the king.

NATURAL-LAW CONCEPTS. The idea of natural law—that is, a law of God implanted in and manifested by the nature of man—for centuries had been an integral part of the tradition of Western civilization. The eighteenth century was particularly interested in emphasizing it because men were growing skeptical of divine revela-

tion and because of scientific advances which had shown the physical universe to be governed by "laws"—for example, the law of gravitation. Perhaps by taking thought men could discover similar "laws" of politics. (And a cynic might add that when the laws of Parliament conflicted with a man's views of what they should be, man called on a "higher law" to justify what he wished to do.) The second paragraph of the Declaration concisely and artistically summarized the natural-law concepts of the generation which made the Revolution, saying that the government had become destructive of life, liberty, and the pursuit of happiness, and had thus become a tyranny.

ARRAIGNMENT OF THE KING. After stating the philosophical basis for revolution, the Declaration proceeded against the king, it has been said, as a common nuisance. Neither the acts of trade nor Parliament were mentioned by name. It charged him with invading the area of rights by nullifying acts of the assemblies, by moving the seats of assemblies, dissolving them, obstructing naturalization laws, making it more difficult to acquire land, and obstructing the administration of justice. And finally it declared the states to be independent of the crown.

Effect of the Declaration. The distinction between radical and conservative—in America, "Whig" and "Tory"—was clarified by the Declaration, and Americans had a goal to fight for (or against). The radical leaders were now committed to their course of resistance in a way which would make it difficult and dangerous to turn back. The Declaration was undoubtedly intended for export to the continent of Europe; and there, especially in France, its reception was commonly favorable. Frenchmen admired political action avowedly based on philosophical principles, or, if they cared nothing for that, they smiled to see Great Britain in trouble with her distant imperial children.

TOPICS FOR FURTHER STUDY

1. Describe the organization and training of the New England militia prior to 1775.
2. Why was George Washington chosen commander-in-chief of the Continental Army?
3. Evaluate the British tactics at Bunker Hill.
4. Prepare a short account of the career of Thomas Paine.
5. Is there a real similarity between the "Glorious Revolution" of 1688 and the American Revolution?
6. What specific parallels exist between the Declaration of Independence and John Locke's "Of Civil Government," in *Two Treatises of Government*?

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Significant Dates

Washington, Commander-in-Chief . . . 1775

New 5 per cent Continental Bills . . . 1780

Requisition of Supplies in Kind . . . 1780

Robert Morris, Superintendent of Finance 1781

CHAPTER XII

ORGANIZING THE WAR

THE WAR AT HOME

Both supporters and opponents of the War for Independence were to be found in practically every district and in every social class.

The Population. The population of the thirteen states at the outbreak of hostilities has been estimated at two and a half million, of whom half a million were Negroes. Of the white population the national origins have been estimated as follows:¹ English, 77 per cent; German, 9 per cent; Irish, 3.8 per cent; Dutch, 3.5 per cent; French 2.5 per cent; all others, 4.2 per cent. Members of all these categories served honorably on both sides in the War for Independence.

Supporters of the Revolution. It has been said that about a third of the Americans supported the Revolution, that a third opposed it, and that a third were indifferent. The feeling among the supporters was usually more intense than among those who opposed it.

IN THE NORTH. The Northern Revolutionaries were chiefly numbered among farmers, artisans, small merchants, students, clergy, and scholars. All but two of the American colleges were in the

¹ Estimates vary. One author believed that not more than 60 per cent were English and Welsh combined. Another placed the figure as high as 82.1 per cent.

Middle and New England states, and only two Northern colleges were generally "Tory"—Pennsylvania and King's (Columbia).

IN THE SOUTH. The Southern tobacco planter usually lived extravagantly, yet the crude marketing system returned him only a fraction of his net proceeds. As a result, the planter class lived in a hereditary condition of debt. The planter regarded this as a system of economic bondage in which he was exploited for the benefit of English merchants. In addition, many young Southerners studied law. The combination of grievance and legal learning helped make revolutionaries, in Maryland and Virginia especially.

ON THE FRONTIER. Except in North Carolina, the frontiersmen were generally on the side of the Revolution for a variety of reasons, among which was the land policy of the British government.

RELIGIOUS REBELS. During the Revolution the religious dissenters generally became political dissenters as well, since the crown united church and state. The Congregationalists and Presbyterians were particularly outspoken in rebellion and were among the first to attack the king.

EFFECT OF DIVERSE NATIONALITIES. The presence of so many people from so many different places, if not a strength, was certainly not a weakness. Of all immigrant groups, only the Scottish were consistently "Tory" or loyalist, and they were more than outweighed by the rebellious Scots-Irish. The only large national group which generally stood apart from the Revolution was that of the Pennsylvania Germans.

The Loyalists. The only quality of the loyalists which uniformly distinguished them from the revolutionaries was conservatism.

WHO THEY WERE. Lists of those who emigrated from the United States because of the Revolution show that they were from all classes, conditions, and creeds. Of any two opponents it was probable that the loyalist lived closer to the sea, was a little better off materially, and had a more favorable opinion of the Church of England; but even these characteristics were frequently meaningless when families divided on the issue of loyalty versus rebellion. Perhaps the average of intelligence was higher among loyalists, but they had no Franklin. Perhaps a sense of responsibility bit deeper into loyalist hearts, but they had no Washington. It has been said that the loyalist faction contained more educated men—but the proof is lacking. The rebels produced Jefferson, Madison, Hamilton, Jay, and a dozen other intellectual leaders almost as outstanding. In the end, the investigator must return to the initially distinctive trait: of

two opponents, the loyalist was the conservative. Of groups in the social life of the colonies, the Anglican clergy (and their unseparated brethren, the Methodist preachers) and the royal officials were almost all loyalists.

NORTH CAROLINA LOYALISM. The Revolution in North Carolina was confused and difficult to understand. The taxation policy had little to do with the development of factions there, but there were other and mixed causes. For years before the Revolution, the frontiersmen had been discontented with the government. Their grievance was fiscal: because hard money was drained away from the back country they relied on a depreciating paper currency. They also had complaints against the court system and against the taxes levied by the colonial assembly. When they felt the burden of colonial government to be intolerable they rose in an insurrection, the Regulator movement, which was put down by a colonial army at the Battle of the Alamance, 1771. The Regulators were as much opposed to the assembly as to the governor, and when the Revolution came they remained loyalists because a new governor treated them well, while their enemies in the assembly became revolutionaries. The War for Independence in North Carolina was a bloody, bitter, civil war, with "atrocities" perpetrated on both sides.

DISTRIBUTION. Although there were both loyalists and rebels everywhere, a pattern of geographical distribution can be seen. Massachusetts and Virginia had the fewest loyalists, the most revolutionaries. Probably a majority of New Yorkers and North Carolinians were loyalist, and New Jersey was about evenly divided. Otherwise, New England and Pennsylvania leaned toward the Revolution; the Carolinas and Georgia leaned toward loyalism.

TREATMENT OF THE LOYALISTS. In every revolution the losing party has suffered. The American loyalists probably suffered less than the defeated side in any modern revolution or civil war except the English Civil War of the seventeenth century. A good deal of the property of loyalists was confiscated, either by selling for taxes or in some other way (some of the loyalists were compensated later from the United States treasury). On both sides there was a good deal of violence off the battlefields, about as intense as the disorders attending a great modern industrial strike (but rather less bloody). "Notorious conspirators" were sometimes threatened with death, but the threats were not carried out. If loyalists kept their convictions to themselves, as many undoubtedly did, they had a good chance of surviving the Revolution in peace.

EMIGRATION. The number of loyalists who left the country is variously estimated at from forty thousand to a hundred thousand. The first exodus was at the evacuation of Boston, some going to England, where they were cared for justly but not sympathetically. Many went to Canada, and have since been known as "United Empire Loyalists." In some ways the migration was a loss to the United States, since the patronage of arts and letters suffered in this country. The possible political value of their conservatism is debatable, since the United States has tended toward conservatism without them. The migration made a social revolution in New England, where many a revolutionary gained social status by stepping into the place of an exile. Few of the emigrants achieved renown after leaving America. One of the few, Benjamin Thompson, became an eminent physicist in the fields of heat and light. For his services to the Elector of Bavaria he was created a count of the Holy Roman Empire under the title of Count Rumford. During the Revolution he had served as a British army officer and as a civilian in the London government.

Financing the Revolution. The cost of the war to the United States has been estimated (in hard money) at a little less than sixty-six million dollars. Expenses were met from four main sources: Continental currency ("not worth a Continental"), requisitions on state treasuries, loans floated in the United States, and foreign loans both public and private.

CONTINENTAL CURRENCY. Over two hundred and fifty million dollars in paper currency was issued by Congress (and about two hundred millions by state governments). By 1780 the United States paper was worth about 2 per cent of its face value and Congress offered to redeem it at $2\frac{1}{2}$ per cent, in silver. New paper money was issued, bearing 5 per cent interest. By May, 1781, both kinds were valueless. In 1791 the second type was redeemed in United States bonds at par, and the original issue was redeemed at one cent on the dollar, but over seventy million dollars of the paper was not brought forward. The effect of this inflation was to "tax" successive holders of paper money as its value fell while passing from hand to hand. Paper money paid about two-thirds of the cost of the war. If the war was necessary, this expedient was necessary.

REQUISITIONS ON THE STATES. In the years 1777-1780 Congress placed quotas on the states to meet the cost of the war. Only about six million dollars was raised this way, because people were unused to paying more than very small taxes, and had gone into the

war in an antitax mood. Requisitions of supplies in kind, beginning in 1780, were wastefully administered and generally unsuccessful.

DOMESTIC LOANS. Domestic bonds were not easily sold until Congress borrowed from France and used French money to pay American bondholders in cash. A little less than eight million dollars was raised in this way (measured in cash, not by inflated paper). Officers of the forces also gave "certificates of value" when impressing supplies and vehicles—which, in effect, amounted to a "forced loan."

FOREIGN LOANS. About six million dollars in loans and two million dollars in subsidies were received from the governments of Spain and France, most of it from the latter. Expenditures for supplies and clothing in Europe took most of this money. After the Battle of Yorktown, private Dutch bankers risked one and a quarter million dollars on the American cause.

ROBERT MORRIS. In the early years of the war various executive boards of Congress were responsible for supply and finance, but in 1781 Robert Morris was appointed Superintendent of Finance. By various devices, including the use of his own credit, which at times was superior to that of the United States, he systematized and regularized the Revolutionary finances.

THE CONTINENTAL ARMY

In a country divided in loyalty and rebellion, and where the rebels were further divided by provincialism, to undertake to raise and maintain a force in arms against the British was very difficult. In its military program Congress, which has been severely criticized, did about as well as it could. It was in no position to force the Americans to do anything, but could only lead and persuade. Consequently, it laid down a program for the states and hoped for the best.

Raising Troops. Estimates of how many men at one time or another appeared in the field against the British range up to as high as half a million, but there were rarely more than ten thousand with Washington at any one time, nor were there very often more than twenty or thirty thousand in the field at all stations at once. The Revolution showed that Americans were belligerent but not military. In the first heat of resentment in 1775 it might have been possible to raise an army of fifty thousand men, but not after 1776. Recruiting became more difficult as years passed, and the coming of French manpower made it harder than ever. The year 1781, when the need was greatest, was the most difficult year for recruiting. State bounties and state drafts were resorted to. The native disinclination to military

service was strengthened by the opportunities for workers in the new industries and by the lure of privateering.

ENLISTED MEN. Washington depended for victory on raising a regular army of the European type. It was always small, shabby, and poor, but it never quite passed out of existence and the British could never ignore it. Beginning in 1775 it was not an army but was more of a disorderly picnic for armed men only. Washington had to train them, and training was always one of his principal duties. The first men, being self-equipped volunteer farmers most of whom were married, had many domestic and agricultural distractions. Homesickness and the fact that the British could raid almost any section caused desertions. Owing to several factors, the short-term enlistment was used and replacement and training difficulties were thereby made greater. Washington, by modeling his army on the British, weakened its appeal in a country where the British enlisted man stood at the bottom of the social hierarchy. Despite the ease of desertion in a divided nation with poor communications, despite the shabbiness and poverty of the service, Washington always held together a core of hard-bitten politically-minded veterans whose selflessness brought the final victory.

THE OFFICER CORPS. The officers of the army at the beginning were poorly instructed in their duties. In the militia companies which formed the original nucleus of the army, the officers were usually chosen by ballot—a system which rewarded political skill but had no necessary relation to military ability. During the siege of Boston a permanent court-martial sat in the Harvard chapel and in its first sittings “broke” eleven officers for various kinds of misconduct. The American people have generally resented the imported distinction of officer and man, and the Continental Army tried to narrow the gulf between them, but did it in such a way that commissions were made unattractive because of the low pay and the fact that increased responsibility had no compensating privileges. The American private soldier's pay was seven times that of a British private, but the American officer received half that of his opposite number in the British army. The British officer had security in that he received half pay for life when retired and in that his widow received a pension. Congress was afraid to do the same for its officers. Provincialism complicated the officer situation, because the states insisted on commissioning the officers. After the Battle of Trenton Washington gained the right to promote all officers through field grades, but Congress commissioned general officers. Generals had to be chosen with one eye on

state patriotism because men preferred to serve under general officers from their own states. Congress was also much impressed by foreign officers. Some of these were really distinguished soldiers, but Congress could not judge between them. Many were commissioned major generals and Washington was left to find assignments for them. All in all, the officer corps gave Washington more worries than the enlisted men did.

THE MILITIA. The militia were not of much use for pitched battles but they were useful because they would assemble in large numbers to meet some local crisis. This meant that the British forces had to stay together and that only large occupation forces could hold conquered territory. In the end, the inability of the British to hold an area with small detachments proved a fatal weakness.

Supply Problems. Left to themselves, the Americans would have been unable to supply and equip their troops. Even with foreign help, the Continental Army was nearly always on the rim of disaster and many of the hardships of the soldiery were really unnecessary.

UNPREPAREDNESS. When Lexington was fought, the only military supply of gunpowder in America was Seven Years' War surplus. The art of making it had been almost forgotten. This store, plus eighty thousand pounds seized from the British, was exhausted in nine months. Local makers produced 115,000 pounds by 1777, but 2,200,000 pounds were imported via the West Indies and this quantity was none too much. Similar figures for uniform cloth could be cited. As for arms, as late as 1777 a fourth of the troops were without weapons. Musket balls were melted down from lead roofs, and troops habitually carried half the number of rounds thought to be adequate. The variety of weapons was so great that ammunition was frequently not interchangeable.

SUPPLIES AND EQUIPMENT. The supply problem was never solved. Field requisitions and foraging had a politically bad effect. Inflation of the Continental currency presented as great a difficulty to American supply officers as the Atlantic Ocean did to their British counterparts. The army was well clad only in the winter of 1778-1779, and by 1780 was as badly off as ever (in that year the troops were once ten months behind in their pay). After Morris became responsible for financing the war, soldiers were fairly well fed but they never had enough clothing to be "deloused." All this while there were plenty of materials and food in the country, but Congress never had power to force their collection and distribution. As a result the army of a people which lived in rude plenty was a quarter-

master's nightmare, dressed in ragged civilian clothes, armed with nonmatching weapons, habitually short of powder and ball, frequently underfed, and badly sheltered. Without aid from abroad, the war could not have continued.

Tactical Problems. With all of his difficulties, Washington created an army in the European sense, and with European help. It retreated most of the time, which was humiliating; and it made much use of entrenchments, which was considered shameful by some (but frequent use of pick and shovel was the leading American contribution to the art of war in that century). The troops operated in the open when Washington felt optimistic, because the use of close-order tactics in the open was good for morale and had a good political effect. The American light infantry under Lafayette became a superior element by any standard. The Americans did not fight "Indian style" or with the long rifle, but in formation, armed with the musket. The rifle made up in range and accuracy for its low shocking power and was used occasionally by scouts and snipers. Cavalry was not much used because it was an expensive arm and because of lack of feed for the animals. A few partisan troops of cavalry appeared in the field on the American side. The Americans rarely advanced in frontal assaults, so the lack of much light artillery was not felt. Heavy guns, when available, were effectively used in siege operations, as at Boston in March, 1776.

Numbers. The number of men in the Continental Army fluctuated rapidly. The return for 1776 showed ninety thousand men in the field at one time or another in many places. Yet Washington could have paraded fewer than five thousand on Christmas Eve that year. A rapid review of reported numbers, in chronological order, will give the best understanding of the strength. Facing Burgoyne at the time of his surrender in September, 1777, were twenty thousand regulars and militia. In the winters of 1778-1779 and 1779-1780, the strength of troops with Washington dwindled to three or four thousand. In 1778 several French regiments arrived; and 5500 more came in July, 1780, under Rochambeau. At Yorktown in September, 1781, there was a joint Franco-American force of sixteen thousand, of whom probably ten thousand were French. Whenever the war reached a new district the militia swarmed around the British like bees, posing a pretty problem of rations, and sending strength reports climbing. But the militia were merely temporary reinforcements; they usually went home in a few weeks (taking much Continental equipment with them).

THE BRITISH ARMY AND MILITARY ESTABLISHMENT

The British army at the end of the Seven Years' War had been the best in the world, but its efficiency had gone down by 1776. To enforce the government's policy in America, it would have been required to increase its strength greatly and to solve grave administrative problems.

Increasing the Army. The peacetime strength of fifty thousand men was inadequate for war, and peacetime methods of recruitment would not meet the needs of the army.

HOME RECRUITMENT. In place of the long-term enlistments of peace, the War Office offered "three years or duration" enlistments. This did not bring in many Englishmen, but many men were secured in Ireland and in Scotland. Desperate recruiting officers accepted convicts and kidnapped men. In 1778 something like "selective service" was enforced—any able, idle, and disorderly man being held liable to military service; but volunteers came in greater numbers than conscripts after the Franco-American alliance was announced. In 1779 enlistment bounties were raised, soldiers' privileges were multiplied, physical standards were lowered, and the age bracket was broadened. By the end of the war practically the only bars to enlistment were lameness, hernia, and epilepsy. Privately raised units were accepted (reluctantly) and patriotic municipal governments raised troops or added to the enlistment bounties. By 1778 fifteen thousand recruits had been added, of whom ten thousand were Scottish. (In the same period of time, the French raised fifty thousand men.)

GERMAN TROOPS. Having exhausted all the resources of manpower in the United Kingdom, the government turned to several German princes who had sold their troops for years. About thirty thousand troops were hired or bought from half-a-dozen German states, mostly from Hesse-Cassel. These were highly-trained professional soldiers, but they fought no harder than they had to. In the long run, this was the cheapest way to raise an army since the British would have to pay no pensions to retired officers or disabled men; but it was a stupid move if the British hoped to conciliate the Americans. The phrase "Hessian hirelings" provided perfect political ammunition to American extremists.

INDIANS AND LOYALISTS. Some British field armies used Indians, but these were not good auxiliaries. When the British were in the ascendant the Indians could not be restrained from atrocious con-

duct, and when affairs went badly the Indians melted into the forests. The use of savages against a civilized people strengthened the American will-to-war. The British also hoped to use loyalists to garrison conquered provinces and for active service in the regular army, but they were not a decisive factor, their peak strength in the army never reaching ten thousand at once. Warfare between loyalist and rebel was always waged more bitterly than warfare between British and American regular forces.

ARMY LIFE. The soldier was looked upon as a necessary evil by the British public, and the soldier's social status was only one step higher than that of the drifting unemployed. Soldiers' pay was sixteenpence a day, but many charges were deducted from it. The daily ration consisted of a pound of meat and a pound and a half of bread, rum, and antiscorvy foods such as onions or sauerkraut. Only the sick received vegetables. The men did their own cooking, a kettle being issued for each seven men. Rations for four to six days were drawn at one time when in the field. When too old for combat, able men were used to garrison forts in various parts of the world. Disabled men lived at Chelsea Royal Hospital near London, or as outpensioners of that institution. The common punishment for slight offenses was caning; for serious crimes servicemen were flogged up to one thousand stripes, the equivalent of a sentence of death.

Regimental Organization. The modern British Army originated not as a co-ordinated group of arms and services, but as a collection of infantry regiments. The single regiment was, in its earliest form, the personal following of the leading man of a given area, who was its colonel. This group became standardized as an interchangeable element of the army, but personal attachment to the regiment remained strong. Regiments wore the state uniform but with variations to distinguish one from another. The paper strength of a regiment was five hundred men; in the field it usually averaged about 350. It consisted of ten companies, two of which were flank companies—called, respectively "grenadiers" (the largest men of the unit) and "light infantry" (the smallest men). The flank companies were specially trained and equipped for extended-order combat.

Officers. Commissions were purchased, at prices ranging from four hundred pounds for an ensign of a line regiment up to seven thousand for the colonel of a guards regiment of the royal household. Despite this method, the officer corps was generally efficient. For one thing, it was harmonious—since, in the class-conscious eighteenth century, it was necessary that ruling men come from the ruling class.

Another reason for efficiency was that the value of a commission declined if the regiment lost prestige and an officer who was "broken" lost his commission entirely. To be sure there were abuses. Regardless of merit, a man could not rise from the ranks if he came from a class too far down the social scale. And incompetents from an upper class could receive commissions even if totally unfit for service. These abuses were exceptional. The regiment at its best was a family, and the officers took as good care of their men as the spirit of the eighteenth century would allow.

Administrative Problems. The British armed forces, fighting a war across an ocean, had the usual difficulties of distance. These usual and expected difficulties were not made easier when the principal direction of the war fell to the then Colonial Secretary, Lord George Germain, who, when a lieutenant-general in the Seven Years' War, had been tried and dismissed from the army as "unfit to serve his majesty in any military capacity whatsoever."

FINANCIAL CONDITION. The British government had a debt of £130,000,000. Interest and current expenses sucked up all of the ordinary revenues. The men who urged war most militantly were the landowners, who also were opposed to any increase in taxes. If they had paid for the war more willingly and generously and if the funds had been administered with precise honesty, the British might have won the war. (The experience of the navy spectacularly illustrated the results of dishonest administration; seventy-six ships were lost by accidents in the years 1775-1783, chiefly because of inadequate fittings and materials.) It is more than a coincidence that the fighting ended shortly after Lord North announced that he could float no more loans; this announcement was soon followed by his resignation.

GEOGRAPHICAL DIFFICULTIES. No civilized place in the world today is as remote from London as America was in 1776; yet almost all of the men, animals, vehicles, rations, and munitions had to be ferried across, maintained, and replaced there. The United States was a long thin line of settlements, with few commercial towns. In the South the settlements were widely dispersed. No part of the country was easily accessible. Behind the ports there were few roads, and as for the ports themselves, coastal navigation was tricky and dangerous. The country was divided into natural theaters of operations and the conquest of any one of them had no influence on the others. The governing authority was divided into thirteen parts, and the capture and occupation of the seat of Congress merely kept the British Army out of the field. The extremes of temperature were greater than

Englishmen and Germans were used to, and malaria was endemic in the South.

SUPPLIES. Most of the supplies came from England. They were gathered at Cork and convoyed to Halifax, New York, or some other conquered port. It was necessary to requisition a full third more than was needed to offset looting by corrupt contractors. Privately chartered transports, impressed into the service, were expensive because of the privateer hazard. British troop movements were often delayed and hampered by the necessity of waiting for a convoy of supplies.

Arms, Services, and Equipment. In the fighting in America, cavalry was little used, and the British army consisted of infantry, strengthened and supported by other branches.

INFANTRY. The basic weapon of the foot soldier was the fourteen-pound flintlock musket, called "Brown Bess," which fired a ball weighing twelve to the pound, three times a minute in combat. The effective range was fifty yards, and the great lead ball had terrific shocking power at that distance. A bayonet was attached. The man behind this piece of ordnance wore the king's coat of bright red, lined with white, and piped and faced with his regimental colors. He wore a serviceable black hat, white stock, black or tan gaiters in the field, and a white waistcoat. His hair was powdered white. Officers were distinguished by boots, spurs, sashes, and gorgets. The field pack, with rations and extra shoes, weighed sixty-three pounds.

OTHER ARMS AND SERVICES. The principal supporting arm was the field artillery, with light guns weighing a ton and a half and firing a twelve-pound ball. Loose shot (grape) was used against personnel, on the principle of the shotgun. Effective range of ball was a thousand yards, of smaller shot six hundred. Explosive shells, called bombs, crudely timed and fused, were used against fortifications. The army had good engineers, whose contemporary maps are still used for the study of the war. The medical service was crude; and nursing, if any, was done by the women who followed the army.

Tactics. The British and other European troops fought slowly, precisely, and automatically, by command, as if "by the numbers." Patriotism was not enough for close-order combat in parade formations, so great emphasis was placed on regimental spirit and on habit which was established by endless drill, drill, drill in close order (close order was tactical and not merely ceremonial as now). In the face of the enemy the regiment moved in line of companies abreast, two or three ranks deep, firing successive volleys by command. The ca-

dence was sixty steps a minute (half the modern cadence, hence the use of the words "quick step" for today's marching speed), purposely slow in order to preserve alignment. Regiments frequently halted and dressed their lines under fire in order that all muskets of all ranks could be fired at once. It was a virtue to approach closely to the enemy in order to gain the advantage of the shock of a full regimental volley fired at close range. When one of the opposing lines broke under fire the other force closed with the bayonet and the battle usually ended right there, because once out of alignment these formalized troops were unable to fight, and infiltration was unheard of except among savages.

Numbers. In 1775 the British Army numbered fifty thousand men but because of the necessity for maintaining garrisons elsewhere (Ireland, West Indies, Gibraltar, and other places) not more than twelve thousand could be shipped to North America to join the eight thousand men in the colonies. After July, 1776, the British were always superior in force to any army the Americans could put in the field and by 1781 there were thirty-four thousand men in America, but widely dispersed with probably not half of them in one place.

Relative Strengths of the Two Opponents. On the face of it, the British Army and Navy had the advantage over the Americans; but certain basic strengths worked steadily in favor of the new United States. In manpower the British outweighed the Americans five to one, in fighting ships a hundred to one. Britain was richer, had better credit, and had a tax-collection system established. Britain ruled the waves and the supply routes. She had a professional long-term army and money to hire foreign troops. Nevertheless, the Americans were fighting because of political convictions, under an honest leadership, over terrain which they knew intimately, where they could farm one part of the country while campaigning elsewhere. The advantage of acclimatation was with the Americans. The Continental Army had able and eager commanders who could rival the British leaders because European command experience, by itself, was not enough to qualify a man to command troops in American campaigns.

TOPICS FOR FURTHER STUDY

1. What were the aims of the Regulator movement in North Carolina?
2. What was the position of leaders of one of the following American religious groups during the Revolution: Catholics, Lutherans, Anglicans (including Methodists)?

3. What were the leading financial measures of Robert Morris, 1781-1784?
4. What were the customary tactics of Indians in warfare of the eighteenth century?
5. What were the grades and ranks of British noncommissioned and commissioned officers at the time of the Revolution? What were the usual duties of each such officer?
6. Prepare a short character sketch of one of the following British Civilian leaders: George III, Lord North, Lord George Germain, Lord Sandwich.

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Significant Dates

Battle of Long Island 1776

Convention of Saratoga 1777

French Alliance 1778

Spain Enters War 1779

Netherlands Enters War 1780

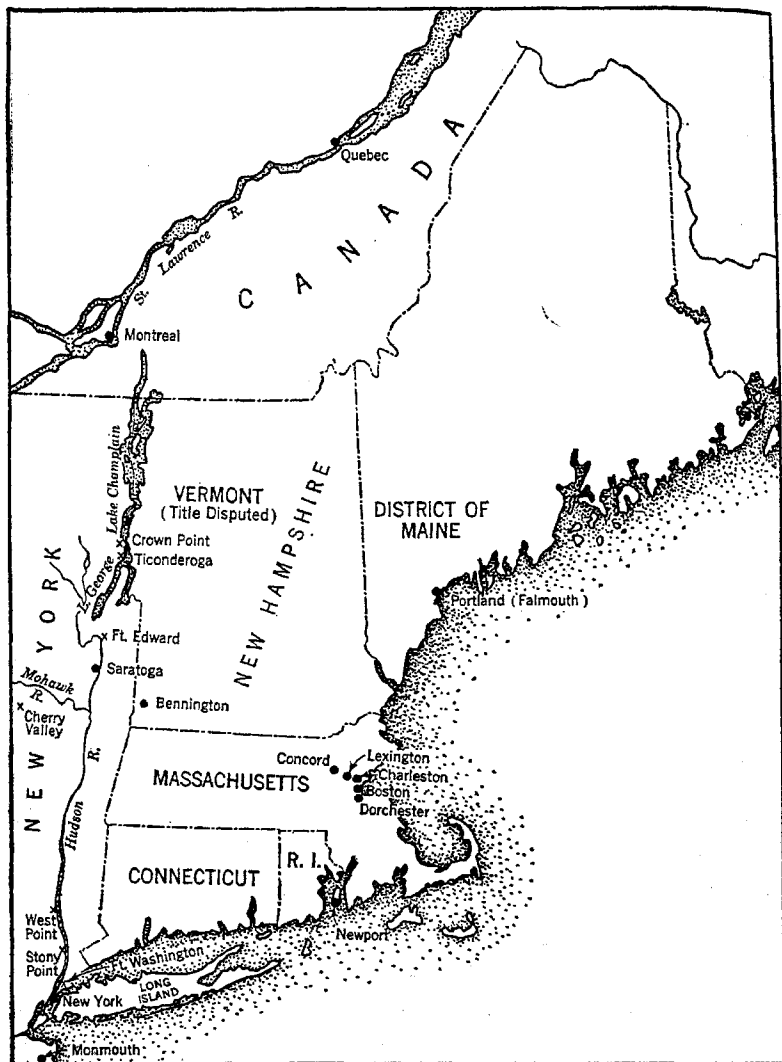
CHAPTER XIII

TO THE TURNING POINT

Through the years 1776 and 1777 the Americans, often defeated, occasionally victorious, held to their purpose until they achieved one of the decisive victories of history by defeating a large British army at Saratoga and winning the open support of France and other European states.

OPERATIONS OF 1776 AND 1777

Defense of the Carolinas. While the British still were besieged in Boston, an expedition was sent to the South to cut off the rebellion below Virginia and limit it to ten colonies. It was based on the supposed friendliness of the Carolina population. The ships were intended for Wilmington, North Carolina, and Charleston, South Carolina; but before the British arrived, the North Carolina rebels defeated and dispersed a gathering of loyalists at Moore's Creek Bridge (February 27, 1776). The British came to Wilmington six weeks later. Receiving no assistance, they steered for Charleston in June—where they were opposed by six hundred militiamen, under Colonel Moultrie, in a fort of green palmetto logs. The Americans



The War for American Independence: New England, Canada, and New York

repulsed a British landing force (June 28, 1776) and the latter thereupon ignominiously sailed away, having lost one ship which ran aground and was burned. The Carolinas were thus saved to the Revolution, and rebels everywhere were further heartened.

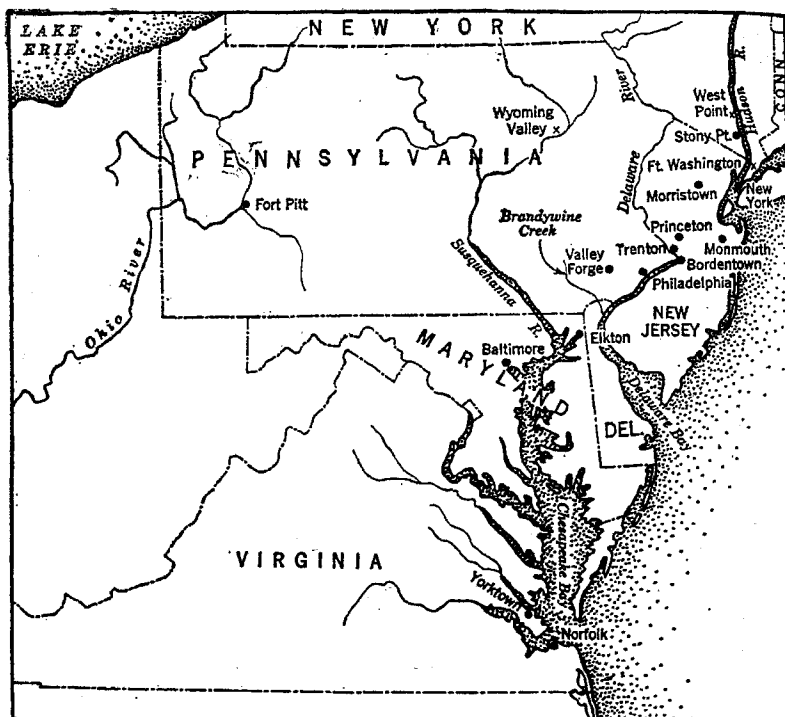
The Canada Expedition. In the hope of winning Canada as a

fourteenth colony an expedition was sent in two columns, one under Montgomery via the Lake Champlain route and one under Benedict Arnold through the Maine wilderness. Montgomery's force took Montreal, but Arnold's column was unable to carry Quebec and Montgomery was killed. The Americans remained throughout the winter of 1775-1776, but retreated slowly southward down Lake Champlain in the spring, followed by a British force under Sir Guy Carleton. Arnold's brilliant improvisation of a naval force on Lake Champlain delayed Carleton so that the British withdrew to Canada in the fall, unable to co-operate with General Howe in New York. The Canada expedition aroused greater interest in England than any American move up to that time. Supplies and men which had been collected for Howe were diverted to Canada. In this lay the chief value of the expedition. Howe was thereby prevented, by lack of men and materials, from regaining control of the Middle states in 1776; and a later attempt to unite the Canadian garrison with Howe—as will be explained—brought catastrophe and ruin to the British in 1777.

Operations in New York and New Jersey. New York in the 1770's was a "small state," but New York harbor provided the best port on the Atlantic coast. Whoever held New York had a naval base, could perpetually threaten to neutralize the vigorous and resourceful New England states, and might command an overland route to Canada. In addition, the city was a loyalist center, where a British headquarters might be comfortable (always a point with the ranking brass).

THE LOSS OF NEW YORK. When Howe arrived at Halifax he was detained by a lack of stores, but managed to move his army to New York in July, where he put it ashore on Staten Island. Further supply difficulties delayed the British until August, when the troops were landed on Long Island and marched toward Brooklyn Heights. To avoid the bad political effect of losing this key place, Washington had transferred his men to New York. In the Battle of Long Island (August 27, 1776) the skilfully led British forces clearly defeated the Americans, taking 1100 prisoners; the rest barely managed to escape across the river to Manhattan. The British drove on up Manhattan, almost at their own speed; and, despite forceful American counterstrokes, New York was secured by November. At Fort Washington, German troops took 2800 Continental regulars prisoner. New York remained in British hands throughout the war and became a sanctuary for loyalists (and an uncomfortable place for

people who sided with the Revolution). The care and feeding of refugees became a problem to the British in New York since they were never able to extend their rule to the surrounding agricultural country and had to import rations for the civilians.



The War for American Independence: Middle Colonies

THE JERSEY RETREAT. After being ejected from New York, the Continental Army had little choice but to retreat across New Jersey. Washington therefore crossed into Pennsylvania, his strength down to about three thousand men, deserters far outnumbering recruits. The inhabitants of New Jersey submitted to advancing British commanders, who passed out certificates of pardon in great numbers. Congress reasoned that when the Delaware River froze Philadelphia would fall to the British, and therefore prudently moved to Baltimore. The British extended their lines across New Jersey to Trenton and Bordentown, which were garrisoned (with bad political effect) by German troops. To many sinking hearts the American cause seemed hopeless. After initial difficulties the British were riding high.

TRENTON AND PRINCETON. The British, unfortunately for them, seemed to feel that they could now relax, or at least their advanced commanders did. Washington, by what has been described as his best feat of arms, took advantage of British and German dispositions and carried out an operation which put new courage and spirit into the American cause. On Christmas, 1776, the Americans crossed the Delaware and surprised the festive German detachment at Trenton, taking a thousand prisoners at almost no cost. Then he bivouacked across a stream south of the town, where he was faced by hurried-up British reserves. Leaving his campfires burning and a few men to simulate much silhouetted activity, he and his men pulled out of their camp, flanked the British in the dark, and appeared at Princeton to attack and turn back a startled column of British reinforcements hurrying to trap the Americans south of Trenton (January 3, 1777). The Americans then marched to Morristown and went into winter quarters, where their position was so threatening that Howe had to pull his covering detachments closer to New York. Although a classical military historian might rightly call Trenton and Princeton "an affair of outposts," the Americans were enormously encouraged, enlistments increased, and the Continental Army had established the fact (which the British could never again ignore) that it had great recuperative powers and must not be discounted.

The Loss of Philadelphia. After Trenton and Princeton the Continental Army grew slowly but steadily. In the spring of 1777 Howe undertook a series of reconnaissances in force from his base at New York. Then, in July, his men clambered into the transports and put to sea. (Meanwhile Burgoyne's army was pressing southward down Lake Champlain from Canada.) Their objective, unknown to Washington's headquarters, was Philadelphia and the reconnaissance work of the spring had been to test whether a land movement to Philadelphia would be possible. The Continental Army had some anxious moments from the time that Howe's convoy steered over the horizon until it was discovered sailing up Chesapeake Bay. The invaders landed at Elkton, Maryland, and set off in the direction of Philadelphia. Washington's men were thrown across Howe's approach, and the two forces met at Brandywine Creek (September 11, 1777) where the British were as ably handled as at Long Island in 1776 and the Continental Army had to give way. Two weeks later the British entered Philadelphia and settled down for a winter of warm and well-fed garrison life.

The Turning Point: Burgoyne's Surrender. While Howe's

troops were taking Philadelphia, another large field force, under General John Burgoyne, was toiling south from Canada to join Howe. Its mission was never achieved; for in the end the difficulties of the route, the imprudence of its commander, and a great swarm of American regulars and militia slowed and stopped its progress at a point where it was impossible for Burgoyne to extricate his army and impossible for any other British force to relieve it.

BURGOYNE'S MISSION. Burgoyne's mission was to take reinforcements to Howe, whose requisitions for troops had not been filled. There is no evidence that the British government intended a permanent conquest of the Hudson valley. Burgoyne understood that he was going to join the main army or else to remain on the Hudson so that Washington would have to weaken the Continental Army by dividing it, thus giving Howe more freedom of movement. The alternative sea route from Canada to New York was considered and discarded because a large-scale evacuation of Canada by sea would open Canada to the same sort of land attack which the Americans had made in 1775. Burgoyne was given seven thousand men and sufficient artillery, but he never had adequate transport because draft animals and vehicles were scarce in Canada. About 40 per cent of the infantrymen were Germans.

THE CAMPAIGN. As far as Ticonderoga, the principal obstacles Burgoyne's army met were natural. At Fort Ticonderoga there was an American garrison, but when the attackers crowned a near-by hill with a battery of guns the garrison withdrew. Pursuit of the retreating Continentals led the British overland to Fort Edward on the Hudson River, and at this time it must have seemed that the promised land was in sight. At Fort Edward it was necessary for the invaders to collect supplies to use in the next step forward. This was a task of grinding drudgery, and it took thirty days to bring up supplies for thirty days in advance of need. In August, Burgoyne sent a German force raiding into Vermont for beef, cereals, and rumored loyalist help; but it was intercepted at Bennington by Vermont militia (August 16, 1777) and every one of its eight hundred men was killed or captured. Burgoyne had six thousand mouths to feed, his army was overloaded with baggage, and the transport was wearing out. A small parallel expedition under St. Leger, which was to come down the Mohawk valley, was unable to cut its way through the local embattled farmers and went back to Canada. Under General Horatio Gates, the number of American troops steadily increased. They were installed in carefully planned field fortifications near Saratoga, across

the line that Burgoyne must travel to advance. By the end of September the Americans outnumbered the British-German army by four to one. On September 19, Burgoyne ordered an advance down the Hudson River in three columns, but it was checked by Americans at Freeman's Farm with a loss of five hundred men. This was the farthest south for Burgoyne. About this time, the British commander learned that Sir Henry Clinton was attempting to drive up the Hudson to extricate him. On October 7, another southward thrust was attempted, but at the Second Battle of Freeman's Farm the Americans again held their position. Only a quick, orderly retreat could have saved the British, but the force remained strangely inert in their camp within range of the Continental heavy guns. Rations were failing and morale was cracking.

THE SURRENDER. By October 14, Burgoyne was ready to give up, and the "Convention of Saratoga" was completed on the 17th. The British were to surrender their arms and materials, march to Boston, and embark on British transports on condition of not serving again in America. General Gates made this lenient agreement because of reported successes of Clinton to the south, and because the militia were beginning to go home. A stronger man might have gotten unconditional surrender, but Gates was interested chiefly in getting the British weapons and supplies. Despite the equivocal "Convention," the taking of Burgoyne was a great victory. Great Britain was soon to be faced by the Atlantic nations of Europe, and what had started as punishment of contumacious colonials now became a world war. As for Burgoyne's army, after it reached Cambridge a dispute over the "Convention" arose and the men were not returned to England during the war.

Valley Forge. Despite the great victory over Burgoyne in 1777, the following winter brought only misery to the army, because of lack of supplies. The worst suffering was at Valley Forge in Pennsylvania, where Washington's troops wintered. Washington might have led his men to one of the interior towns, say York or Lancaster, but that might have made them the center of surprise operations by the British which would have exposed sympathetic Philadelphia refugees to danger. Also, the large tract of fertile country would have thereby been left open to British occupation. The sufferings of the ill-fed, ill-clothed, ill-housed army were hardly credible in a country where there was ample supply of the necessities. Congress was weak, the currency was depreciated, transportation was scarce, and the local population was mostly indifferent. At one time almost three thousand

men (nearly all there were) could not leave their miserable quarters for lack of clothing. These times did try men's souls, and only winter patriots and snowstorm soldiers stayed with the army.

The "Conway Cabal." It is said that in the winter of 1777-1778 a group of officers and congressmen around a Major General Conway (who was serving on leave from the French Army) conspired to replace Washington with General Gates. The only positive evidence was a private letter of Conway's which adversely criticized Washington and the fact that some congressmen did not like Washington. This movement, if it existed, had no considerable support. Whether it existed as a real "cabal" can be neither proved nor disproved, since conspirators do not publish their annual proceedings.

NEW FRIENDS IN EUROPE

Beneath its glittering, silken formalities the diplomatic life of Europe was a dirty, greedy fight. Considered in the abstract, the eighteenth century would seem to have been a poor time for a young nation to strike out on its own; but, in actual fact, it was the hidden but fierce and amoral rivalry of the leading powers which made independence possible. Very early in the quarrel between the colonies and Britain, Continental European governments saw a chance to weaken the British by helping the rebels. When Burgoyne's surrender showed that the British might well lose the war, secret aid turned to open alliance, and the war became a world war.

Early Relations and Secret Help. After the Seven Years' War, French foreign ministers were alert to any opportunity to avenge their humiliation. When hostilities broke out in 1775, the foreign minister, Vergennes, studied the situation; and when he was satisfied that a mere change of ministries in London would not pacify the Americans, he sent a memorandum to King Louis XVI urging secret help to the colonies on the ground that it was a sure way to weaken Britain. If America were conciliated by Britain, the empire would continually become stronger and the French sugar islands would inevitably fall to it. The king having agreed, on May 2, 1776, a million *livres* were transferred to the account of a dummy trading corporation called "Rodrigue Hortalez et Compagnie" to be disbursed for the benefit of the Americans. This sum was matched by the king of Spain. This was before American independence had been declared and before a single American agent had reached France. This policy, dictated by self-interest, enabled the rebellion to become a revolution. In 1775 American agents were dispatched to several

European capitals to seek recognition. None were officially received, and eventually they congregated in the friendly atmosphere of Paris.

FIRST ACTS AND INSTRUCTIONS. The genesis of the United States Department of State was the Committee of Secret Correspondence, 1775-1781, which was succeeded by the office of the Secretary for Foreign Affairs, 1781-1789. The Foreign Service began when Silas Deane was sent to Paris in the guise of a merchant in 1776. He was joined there by Arthur Lee and Benjamin Franklin. Their instructions were to try to secure treaties of amity, peace, and commerce with as many Continental nations as possible (an appeal which has a strange texture when read in the middle of the twentieth century). Failing this, they were to attempt to dissuade any Continental states from becoming Britain's allies. When the eminent Dr. Franklin arrived and carried himself with studied republican simplicity, he and his cause became the rage of Paris.

FRENCH OPINION. The American republic seemed estimable to the French *philosophes*, who had admired the relative social simplicity of the colonies even before the break with England. When the Revolution came, the intellectuals were enthusiastic for it and their only fear in associating with the Americans was that the Americans would be contaminated by Parisian opulence and soft living. The unique, fantastic Beaumarchais—watchmaker, playwright, social climber, and court favorite—had much to do with bringing the American cause to the attention of the ministers; and he served as a bridge over which pro-American sentiment passed from the salons and theater foyers to the responsible politicians.

FRENCH HELP. When Silas Deane arrived in France he was willing to purchase what the French had been willing to donate. Contracts were drawn and "Hortalez et Cie." went to work, shipping materials as merchandise bound for the West Indies and protected in French waters by the French Navy. The great decision near Saratoga was won with these supplies. From now on there was an increasing measure of French help until, by 1784, over eight million dollars of subsidies and loans had been granted. Most of it was spent in France for materials and ships and a small amount for advances to American shipmasters and sailors.

The French Alliance. Although influential Frenchmen were eager to help the Americans in any way possible, no open assistance was given until 1778 because undisguised aid would probably result in a declaration of war by Britain and because the French govern-

ment did not wish to fight the British unless Spain would come in on the French side. For her part, Spain was willing to aid the Americans, but not openly because of the bad example such assistance would set before the Spanish colonies in America. While Vergennes and Beaumarchais worked to arrange material support for the United States, the victory over Burgoyne helped them to change the views of their government.

BRITISH CONCILIATORY PROPOSAL. After news of Burgoyne's surrender reached London, Lord North announced that he would introduce a complete peace plan after the Christmas recess. To forestall a Franco-American alliance he sent to America, in advance of Parliament's approval, a promise of home rule within the empire. But the British commissioners behaved without tact in America and Congress rejected the proposal. Meanwhile, in Paris, the crafty Franklin let it be thought that he rather liked the idea of calling off the war to secure home rule. The French were brought up sharply. If Franklin were not bluffing, all the loans and subsidies would have been wasted and the British left as strong as ever or stronger.

FRENCH MOTIVES. To establish why France came into the war, it is convenient to use the conventional classifications of historical causes as "underlying" and "immediate" causes. The underlying causes were that France thought she was entitled by wealth, power, and history to a dominant place on the Continent—a place which Britain had forced her to lose. Britain had been able to meddle in Continental affairs because her navy and her commerce gave her the funds she used to strengthen her Continental allies. But Britain's wealth was in large part drawn from her empire, and any diminution of the empire would weaken Britain and relatively strengthen France. For these reasons France was always ready to support a small power against her rival. The immediate cause of the entry of the French into the war was later expressed by Vergennes. He said that he thought England might offer independence to the Americans in return for an Anglo-American war against France, which would almost certainly cause the loss of the French West Indies. Ergo, he expected war in any case and preferred to fight with the United States against England instead of having France stand alone against both. Beaumarchais said that the Americans had told him of these possibilities. Beaumarchais may have planted this dilemma as his original invention to get action from a French government which was frightened for its West Indian possessions. Thus the chain of events: Burgoyne's surrender caused a flurry of talk of conciliation which

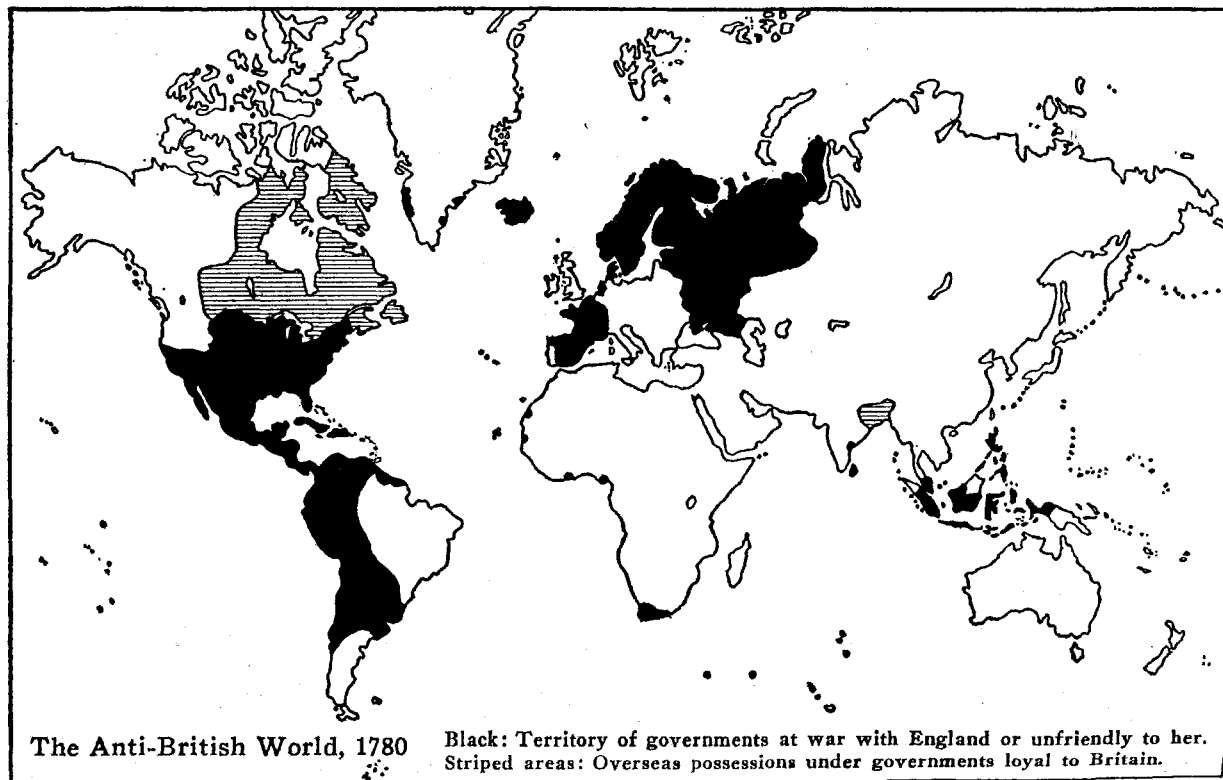
led the French to think, rightly or wrongly, that the Americans and British might be friends again and that one or both might fall on outlying possessions of the French empire. And the victory over Burgoyne showed that the Americans had a fighting chance.

THE TREATY OF ALLIANCE. A formal treaty of alliance was signed in Paris on February 6, 1778 (ratified by Congress on May 4). The French were to make every effort for the independence of the United States, but the treaty did not require them to go to war. If war should break out, the two nations were to be allies and neither was to make a separate peace. (Of course, to help rebels against their king was practically certain to bring war.) Any conquests by the United States in America were to be kept by it, and the French could keep what they might take in the West Indies. The British had copies of this treaty in forty-eight hours, from spies in Paris, but being reluctant to wage war on another front pretended ignorance until the Franco-American agreement was formally announced by the French foreign office.

THE TREATY OF AMITY AND COMMERCE. In addition to the treaty of alliance, the United States and France simultaneously in 1778 concluded a treaty according to commercial and legal principles drafted by Congress two years earlier and since called the "Plan of 1776." It provided: (1) that "free ships make free goods," (2) that neutrals might trade from port to port of belligerents in noncontraband goods, (3) for the construction of a restricted and carefully defined contraband list which excluded food and "naval stores" (pitch, tar, turpentine, etc.), (4) for considerate treatment of neutral ships. For the commercial relations of France and the United States, it established the principle of "most favored nation"—that is, that Americans trading in France, or French in America, should have all the privileges granted to any other foreigners.

AMERICAN DISSENTERS. The extreme radical faction of American revolutionaries had some members who disapproved of the alliance on the ground that it was unbecoming to a republic thus to associate with the "absolute" French monarchy. Many of those who had complained against the Quebec Act opposed an alliance with a Catholic country. (In later years, Benedict Arnold falsely said the French alliance was the cause of his switch to the British.)

Spanish Co-operation. In April, 1779, Spain came into the war as an ally of France but made no alliance with the United States. According to her understanding with France, no peace would be made until Gibraltar were Spanish once again (the Americans



were not consulted but had promised France to make no separate peace —was American victory to be tied to the reduction of Gibraltar?). Spain also hoped to push the eastern boundary of Louisiana from the Mississippi to the Appalachian crest. Spain contributed a little more than six hundred thousand dollars in subsidies and loans to the United States, occupied the Floridas, raided into British-held Michigan, opened New Orleans to American privateers, provided the cash for the sea campaign before Yorktown, and garrisoned Haiti for the French.

The League of Armed Neutrality. The manner in which Britannia ruled the waves provoked Empress Catherine of Russia to issue a declaration of neutral rights which resulted in the formation of the League of Armed Neutrality in 1780, composed of Denmark, Sweden, the Netherlands, Portugal, and Russia. Great Britain did not accept their views of neutral rights, which were principally a protest against British abuse of sea power.

The Netherlands Joins the War. The Netherlands had been very friendly to the United States. Quarrels with Britain over the League of Armed Neutrality and the fact that Britain learned of a treaty to be made between the two nations led to a British declaration of war in 1780. The Dutch were the first to salute the United States flag, and were the second nation to recognize American independence. Their main direct assistance to the Americans consisted in the sale of supplies on credit and the floating of loans.

Britain versus the Atlantic Community. By the end of 1780 Britain was at war or on exceedingly bad terms with every important European state which had direct access to the Atlantic, except her traditional ally Prussia. All these nations were trading nations, each bore a grudge against the British for the way in which she used her great sea power. In a sense, the American Revolution had become a world war for a free Atlantic.

TOPICS FOR FURTHER STUDY

1. Can you explain Howe's alternate periods of vigor and languor?
2. Write a critique of the American conduct of one of the following engagements: Long Island, Fort Washington, Brandywine.
3. What important mistakes did Burgoyne make?
4. Give a résumé of the siege of Gibraltar.
5. What effect did Benjamin Franklin have on Parisian society?
6. Evaluate the work of Beaumarchais in bringing the French into the war.

7. What specific contributions did the Netherlands make to the winning of the war?
8. List, identify, and give some estimate of the value of the more important European officers who were sent to America by the mission in Paris.

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Significant Dates

Battle off the Chesapeake 1781

Fall of Yorktown 1781

Secret Peace Negotiations 1782

Treaty of Paris 1783

CHAPTER XIV

INDEPENDENCE WON

THE WAR AT SEA

Sea power had a decisive influence in the American Revolution, not so much because of any great victory at sea as because the Americans and their allies exerted a continuous pressure on the British, and a French naval force prevented Cornwallis from escaping from the trap at Yorktown.

Eighteenth-Century Ships and Tactics. The navies of the Western world used four classes of ships in the eighteenth century. First was the "line-of-battle ship" or "ship of the line," with three or four tiers of guns ranging up to forty pounders which could fire three miles. Second was the fast and handy "frigate," with two tiers of guns, corresponding to the cruiser of today. Third was the "sloop-of-war," with one tier of guns on an open deck. Last were "bomb ketches," which carried one or two heavy seagoing mortars. Guns were pointed, not sighted, and most fighting was close on. With heavy guns, great square sails, gaudy hulls, and large crews, these stout wooden ships were slow but seaworthy.

American Sea Forces. In a sense, the Americans had three navies. Several states maintained fleets, the United States had its Navy, and private individuals sent hundreds of privateers to sea.

All three were bent chiefly on commerce-destruction because the public ships were too few to accomplish much and because prizes paid the expenses. After France came into the war, Congress was inclined to "let Georges do it" and a fleet numbering thirty-four ships in 1777 was down to seven in 1781.

American Naval Leaders. The best-known "American" sea-fighter was British-born John Paul Jones, who based a squadron of sea-weary hulks on Brest and terrorized British shipping in its home lanes. The Yankee Esek Hopkins and the Irishman John Barry also made naval history. A prodigy was Joshua Barney, an officer at sixteen years and captor of a Royal Navy ship at twenty-two.

Privateering. There were two thousand American privateers at sea at one time or another, picking out rich prizes in the West Indies, the open Atlantic, the English Channel, the Bay of Biscay, and the North Sea. The private fleet was principally from New England and was run as a business. The ships were fast, the life was the safest of any of the armed services, and several early American fortunes were founded on its profits. The privateers compelled the use of convoys by the British and drove marine insurance rates up. Although they did not decide the war, the British losses certainly made the British government and merchants more amenable to the idea of stopping the war. The privateers had one bad effect on the American conduct of the war in that they attracted adventurous men who might have been invaluable in the navy or army.

The Royal Navy of Britain. In the 1770's and 1780's the Royal Navy, like the British Army, was in a low state compared with the zeniths achieved under the elder Pitt earlier and the younger Pitt later. The corruption and venality of the Navy Office was manifest in rotten rigging, putrid stores, poor artisanship, obsolete tactics, and the use of pension funds to finance political campaigns. For example, *Royal George* was lost with eight hundred men because of improper ballasting. The brutality and inefficiency of navy life were feared by able seamen. Under these conditions the British could put seventy ships of the line at sea during the war, but that was not enough when the French, Spanish, and Dutch came in.

The French and Spanish Navies. The French and Spanish brought a total of 121 ships of the line into the war. They besieged Gibraltar, and caused near-panic in Britain by throwing squadrons into the Channel. The Spanish threatened Jamaica, and took Mobile and Pensacola in 1780; but the French Navy played the leading part in the naval war. Its naval architecture was generally superior and

all branches of the navy had profited by a reorganization after the humiliations of the Seven Years' War.

The Sea War to 1780. The most critical phase of the sea war was fought in American waters, but actions elsewhere were also important.

IN AMERICAN WATERS. Not much was done in the Western hemisphere before the French came in except for the occasional capture of valuable supplies intended for the British Army. When the French alliance was announced, the British had to send more ships to the New World, which put a strain on the Channel fleet. That summer the Comte d'Estaing arrived in Delaware Bay (July 8, 1778) with twelve ships of the line (and several infantry regiments). He sailed north and put his nose into New York harbor (which a more resolute man might have forced), then turned and steered for Newport, Rhode Island, where an amphibious attack was broken up by foul weather which forced the French fleet to Boston for refitting. The French force wintered in the West Indies, where it helped to take several British islands, and reappeared off the American coast in the fall of 1779, causing the British to withdraw from Newport as a safety-first measure. The apparently aimless cruising of the French had diverted British troops to the West Indies, had helped spur the evacuation of Philadelphia in 1778 and Newport in 1779, and had cost the British much blood and treasure in the West Indies—facts sometimes overlooked by critics of D'Estaing.

IN EUROPEAN WATERS. No sea fighting in European waters determined the final victory, but several serious engagements (Battle of Ushant, 1778, and Jones against *Serapis*, 1779) "contained" British forces in Britain against a possible invasion or an Irish rising with French help. The British therefore spent more money and sweat than otherwise necessary. The home waters were open to American privateers, who used French and Spanish ports as bases. John Paul Jones actually raided on British soil (Whitehaven, 1778).

Sea Power off the Chesapeake, 1781. At Washington's request, a French fleet was sent to America in 1781. From the West Indies its commander, De Grasse, sent a squadron north with word that he was coming in the summer. It was decided to move against the British at Yorktown. Fortunately for the American cause, the British did not learn of this move and were weakened by returning four ships to England. At the end of August De Grasse appeared at the entrance to the Chesapeake, where a badly handled British fleet (from New York) was repulsed (Battle off the Chesapeake, Sep-

tember 5) and had to return to its base. By this time, a Franco-American army had appeared in Virginia. The French fleet and the armies under Washington had closed on Yorktown like the jaws of a steel trap.

FROM VALLEY FORGE TO YORKTOWN

With France openly in the war, the struggle entered a new phase. The leverage of sea power, as has been described, was steadily working against the British. But on land the war remained deadlocked for two more years and the small American nation—which had been exerting itself, in a sense, beyond its strength—had to wait for victory until sea and land power were skillfully balanced on an estuary of Chesapeake Bay in 1781.

Northern Affairs to 1780. The Continental Army again showed its great recuperative ability when it was able to march out and take the field after the winter at Valley Forge and fight several major but indecisive engagements in the next two years.

FROM MONMOUTH TO STONY POINT. In the spring of 1778 the British at Philadelphia—now under Sir Henry Clinton vice Sir William Howe—were ordered to evacuate Philadelphia and to send eight thousand men to the West Indies to meet the potential French menace there. They were told that they could count on receiving no more reinforcements in America. Therefore, as soon as the grass was green for the draft animals, Clinton's army marched toward New York, followed by the tattered Continentals from their grubby quarters at Valley Forge. On the seventh day of summer the Americans caught the British at Monmouth, New Jersey, where with victory in sight, General Charles Lee inexplicably ordered a retreat. Washington sent him off the field, but it was too late. During the night the British made off by moonlight and reached New York safely. This was the last major battle in the North. That winter the Continental Army lay at Morristown, New Jersey, in its usual winter misery. The year 1779 in the North was marked by the tactically brilliant (but otherwise insignificant) storming of Stony Point by the Americans under "Mad Anthony" Wayne.

ARNOLD'S TREASON. Not all were "true to the ragged colours of a perilous cause." In the fall of 1780 Major General Benedict Arnold succumbed to the normal temptations of his place and bargained with the British to sell West Point and, thereby, his country. The plan miscarried; and the British principal, Major John André, was taken in disguise and hanged as a spy while Arnold escaped to

the British, who gave him a general's commission and reimbursed him for his losses. As Franklin said, Judas received thirty pieces of silver for selling one man, but Arnold, who tried to sell three million, received less than one cent a head.

The War in the Old Northwest. The westernmost settlements during the war were in Kentucky, and all through the war they were struggling to survive repeated attacks by Indians who were urged on by the British north of the Ohio.

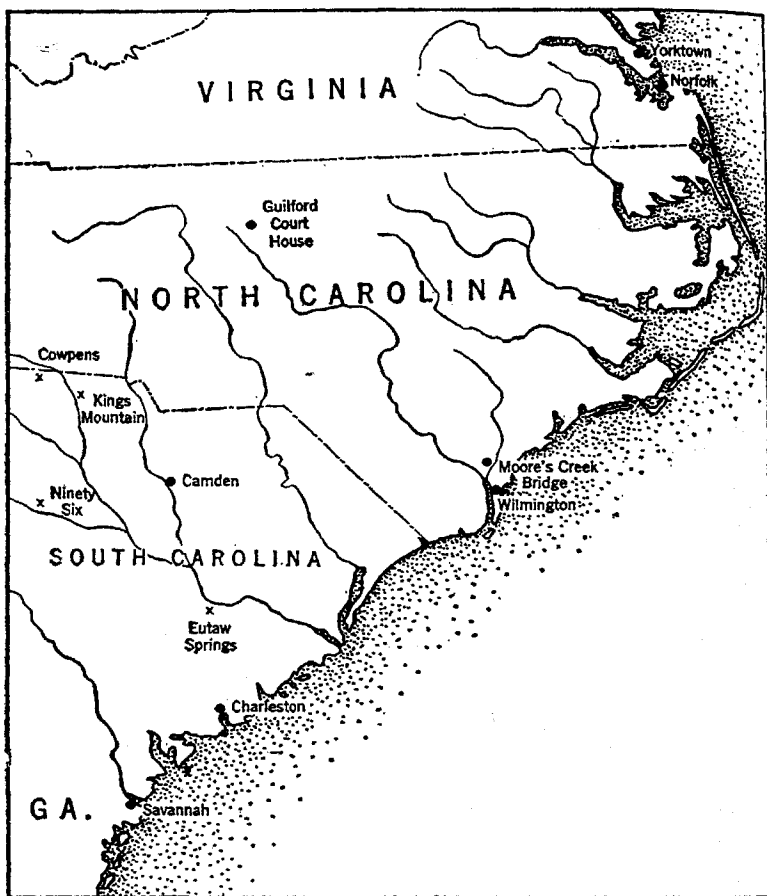
THE NORTHERN INDIANS. After the depredations of Burgoyne's Indians, the next great Indian troubles in the North were the Wyoming and Cherry Valley massacres in 1778, the most savage raids of the war. In 1779 General John Sullivan led a force into New York state and crushed the Indians of that region with such finality that they were no longer a threat. In the northwest the Indians were generally pro-British owing to the popularity of British leaders and loyalist "renegades." They harassed the frontier throughout the war. The British post at Detroit was the center from which the Indians of the northwest were incited.

CLARK'S CAMPAIGN. In 1778 George Rogers Clark, commissioned in the Virginia militia by Governor Patrick Henry, led 175 men down the Ohio River to Fort Massac in Illinois, from which place they traveled overland to Kaskaskia and Vincennes. The French *habitants* of the Illinois country were generally indifferent to the Revolution but were somewhat moved by news of the French alliance and the influence of a pro-American priest, Father Pierre Gibault. Augmented by a few French recruits, in February, 1779, Clark's force waded through ice water across flooded prairies near Vincennes and surprised the garrison there under the senior British officer of the west, "Hair-buyer" Hamilton, who surrendered to Clark. The Illinois country was thereupon erected as a county of Virginia. After this feat the heat of the Indians died down, but when Clark retired to Louisville in 1780 they took courage and resumed their raiding. It is claimed that this campaign won the west for the United States, but there is no evidence that it influenced the treaty makers at the end of the war. Its significance is that it gave Kentucky and Tennessee a breathing spell which helped them survive the war. The bitter memories of British-incited Indian raids, nursed for a generation, helped to cause the War of 1812.

Southern Affairs to 1781. As it happened, the final military decision of the war was made in the South as the climax of a campaign which ran from Savannah in 1778 to Yorktown in 1781.

There was also serious Indian warfare in the west which influenced the later history of the Gulf states.

INDIAN FIGHTING. The Cherokees were the most aggressive of Southern Indians and during the war directed their energies to an



The War for American Independence: the South

attempt to wipe out the advancing settlements of the Watauga district. A projected surprise there was betrayed by a squaw, Nancy Ward; and three small but tough armies of frontiersmen from Kentucky and the Carolinas systematically destroyed many Indian villages in 1777. In 1778 the Indians rose again but were defeated by John Sevier and his frontier cavalry. In the Nashville region, James Robert-

son's men crushed the Chickamauga Indians. After each of their several defeats the Indians were forced to cede land which amounted in all to millions of acres.

FROM SAVANNAH TO COWPENS. Late in the year 1778 the British were again struck by their fatal idea that the loyalists of the South were numerous enough to be of great help. In December they moved into Savannah without much resistance. In October, 1779, a Franco-American amphibious force under General Benjamin Lincoln and D'Estaing failed to retake Savannah. D'Estaing left the coast, and Lincoln made his headquarters at Charleston. When the British invaded South Carolina in 1780, Lincoln tried to hold Charleston, was besieged, and surrendered with five thousand men who could not well be spared. South Carolina was now British, and the occupation force was opposed only by partisan bands which had mainly a nuisance value. A force of regulars and militia under General Horatio Gates, the "Victor of the North," was then sent South but was routed at Camden, South Carolina (August 16, 1780), in the most crushing defeat of the war. Shortly thereafter, rebel irregulars defeated a force at King's Mountain. Unknown to all, King's Mountain was to be the turning point in the South. Things steadily improved after that. Nathaniel Greene, Washington's ablest subordinate, relieved Gates in the Southern department in December, 1780. Within a month the Americans won another victory at Cowpens in the interior (January 17, 1781).

The Yorktown Campaign. With the coming of General Greene to the South an inconclusive little war of maneuver developed, which led Cornwallis to invade Virginia.

THE "COUNTRY DANCE." By indecisive battles and skilled withdrawals, with too few men and scanty supplies, Greene's shabby Continentals made the interior of the South untenable for Cornwallis. After Cowpens, Greene retreated to Virginia, pursued by Cornwallis. Drawing recruits from Virginia, Greene re-entered North Carolina and fought a bloody battle at Guilford Court House, after which Greene withdrew and Cornwallis hastened to the coast to reorganize and collect sea-borne supplies. In widely separated places—Hobkirk's Hill, Ninety-Six, and Eutaw Springs—the British gained temporary successes but, each time, were unable to follow through. The British, in effect, were pinned to the coastal towns through which they were fed and armed. To go back to Charleston would be dispiriting. Since Greene seemed to be drawing all of his strength from Virginia, perhaps Cornwallis could accomplish something there. Ac-

cordingly, on April 25, 1781, Cornwallis and fifteen hundred men went drumming down the road to Virginia and defeat. An anonymous balladeer of 1781 described this campaign as a country dance. Cornwallis tired of "footing country dances," retired to Yorktown, and issued invitations "for a courtly ball."

This challenge known, full soon there came
A set who had the bon ton,
De Grasse and Rochambeau, whose fame
Fut brillant pour un long tems.¹

SURRENDER IN VIRGINIA. Cornwallis, after an attempt to defeat Lafayette in Virginia, withdrew to Yorktown to install a naval base as requested by his seniors. At this time De Grasse was coming north; and Washington and the French land commander, Rochambeau, collected all the men they could (thereby convincing Clinton that they intended to attack New York) and slipped southward to join Lafayette in besieging Cornwallis with sixteen thousand men to his eight thousand. The siege proceeded methodically and Cornwallis was doomed unless he could escape by sea. This hope was broken by the sea battle off the Chesapeake, and Cornwallis surrendered on October 19, 1781. As his troops marched out to stack their arms, their band played "The World Turned Upside-down." This was the practical end of the fighting in America. The great decision had been made.

After Yorktown. After Cornwallis surrendered, the military situation presented twin problems: how to get the British Army out of the United States, and how to "reconvert" the Continental soldiers to civilians.

EXIT THE BRITISH. During a change of ministries at home, and some important naval battles elsewhere, the British force of 34,000 men was collected in New York and idled there until 1783. At first it was hoped to use them to strike a blow in the West Indies, but this hope died when the men were immobilized for lack of transports. Finally, in the summer and fall of 1783 they embarked, and the Atlantic seaboard was free of British troops.

FROM SOLDIERS TO CIVILIANS. Having raised an army and having treated it shabbily, the Americans had to proceed carefully in disbanding it, for danger of a civil war and military dictatorship was real. The low pay of the officers had been raised, but currency de-

¹ F. C. Prescott and J. H. Nelson, eds., *Prose and Poetry of the Revolution* (New York, 1925), 100-101.

preciation made the raise meaningless. After an appeal by Washington, the Continental officers were put on half pay for life. There still remained the question of what to do for the enlisted men. While it was being considered, there occurred the publication of the *Newburgh Address*, an anonymous paper circulated in the army at Newburgh, New York, calling on the officers to consult for some veiled purpose. Washington summoned the officers together and appealed to their patriotism and consciences in such a way that whatever conspiracy may have been afoot was killed. The officers then asked Washington to plead the army's case with Congress. Washington did so, privately advising Congress that the army was tense and that speed was essential. Congress replied by promising the men full pay for five years, in money or in 6 per cent bonds. Enough money was scraped up to give each man three months' pay. Most of the men took furloughs and went home quietly and for good. A few stayed until November, 1783, when the last of the Redcoats quitted New York. In December Washington went from New York to Annapolis, where he surrendered his commission to Congress and went back to farming.

Why the British Failed. No one explanation of the British military failure in this war would be satisfactory but several causes of that failure can be seen. (1) The British job was to re-establish royal authority over the rebellious states and the American job was to prevent the British from doing it. The British were not fighting an army but were fighting a moral force: a potential power of mobilizing politically-convinced planters and farmers for short periods. As has been said of another war, it was like hitting a pile of wheat with a hammer. The futility of driving into the pile kept the British on the coast most of the time. (2) An experienced British war secretary thought that land operations in America would entail ruinous expense and build up such animosity that reconciliation would be impossible. He was of the opinion that a blockade would arouse less bitterness and could defeat the Americans by stopping their commerce and their fisheries. But the British very early committed themselves to land operations and thereafter felt that they could not give over these tactics without losing face. (3) The British general officers of that generation were poor and the navy was in a bad way. Conversely France, after the Seven Years' War, had been at great pains to revive her army and navy. Not to diminish the American share, it was French force which provided the additional stress necessary to bring the British establishment tumbling down.

THE PEACE TREATY

Early Peace Proposals. As in most wars, from the beginning there had been much talk and thought of the possibility and terms of peace. The Battle of Long Island had been followed by Howe's offer of every concession except independence. The conciliatory proposals after the defeat of Burgoyne had failed to forestall the French alliance. In 1779 Congress had sent John Adams to France as sole commissioner to negotiate a treaty of peace (with no immediate prospects). In 1780 the Russian government had offered to mediate the quarrel, but this was rejected by George III as an interference with his domestic affairs. Lord North apparently had been willing to abandon the whole show after Burgoyne's surrender, but the king's contrary decision prolonged the war.

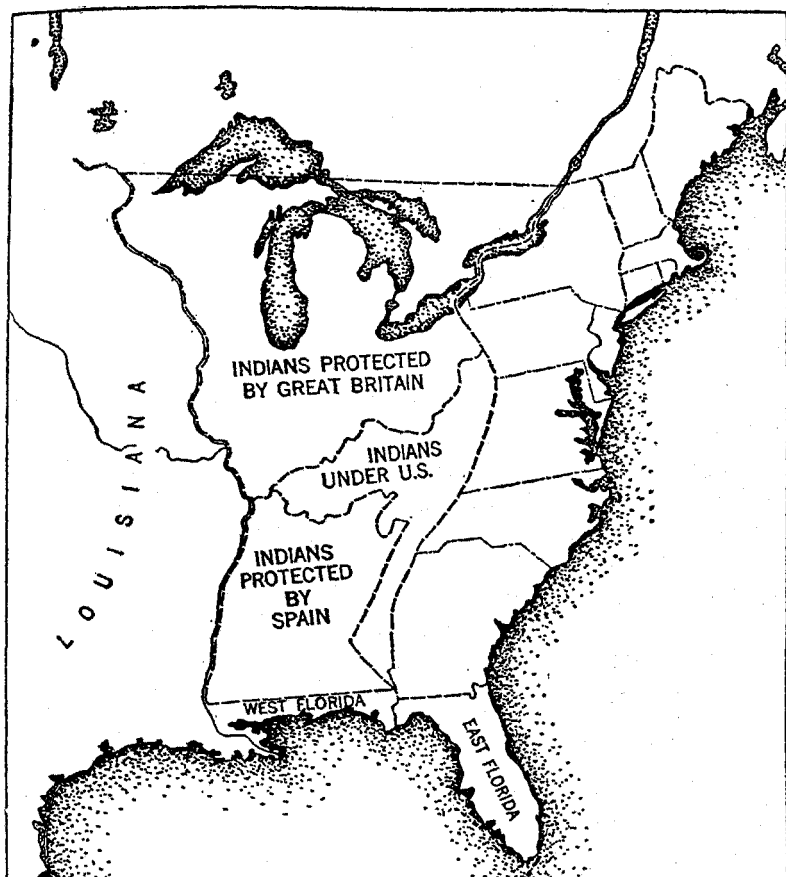
The Rockingham Ministry. In March, 1782, North finally managed to resign and was succeeded by the Rockingham ministry, which was willing to stop the war. Generally, the Rockingham ministers were men who were friendly to America, but Shelburne (colonial matters) opposed independence at first and Fox (foreign relations) disagreed with him. Since a peace would concern both France and America there was a dispute as to which agency, the Foreign Office or the Colonial Office, would conduct the negotiations; this division in the cabinet made for delay. After all, the military situation was not hopeless: Clinton held New York, Rodney smashed De Grasse in 1782 at the Saintes, and Gibraltar was still inviolate. Privateers were being checked. But the British taxpayer was in acute pain, so the ministry decided to negotiate, using both Colonial Office and Foreign Office emissaries.

The Negotiations. Peace negotiations began in April, 1782, and provisional articles were drafted by November.

THE AMERICAN NEGOTIATORS. In addition to those by Franklin, negotiations were conducted by John Adams and John Jay. Adams coldly disapproved of Paris, even in the spring, while Jay was the scion of Huguenot exiles and therefore suspected the French of double crosses at all points. This group had instructions to put themselves under French surveillance and control in all negotiations—surely the weakest instructions any diplomatic mission ever had. Jefferson and Henry Laurens were also named by Congress, but Jefferson did not go and Laurens was taken prisoner during his Atlantic passage.

FRENCH POLICY AND PRACTICE. The French foreign ministry has been criticized for not holding identical views with the Americans

on matters of American interest; but it should be remembered that Vergennes was foreign minister of France, not of the United States, and that his country had promised Gibraltar to Spain and had been unable to make delivery. This gave France a different viewpoint from that of the Americans in that she was willing to try to compensate



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Division of West Proposed by France in 1782

Spain by getting Spain some British territory in the west. Again, the French could see no good reason to aggrandize the United States. A small American union, dependent on France, would be a more certain friend in America than a strong nation there. Consequently,

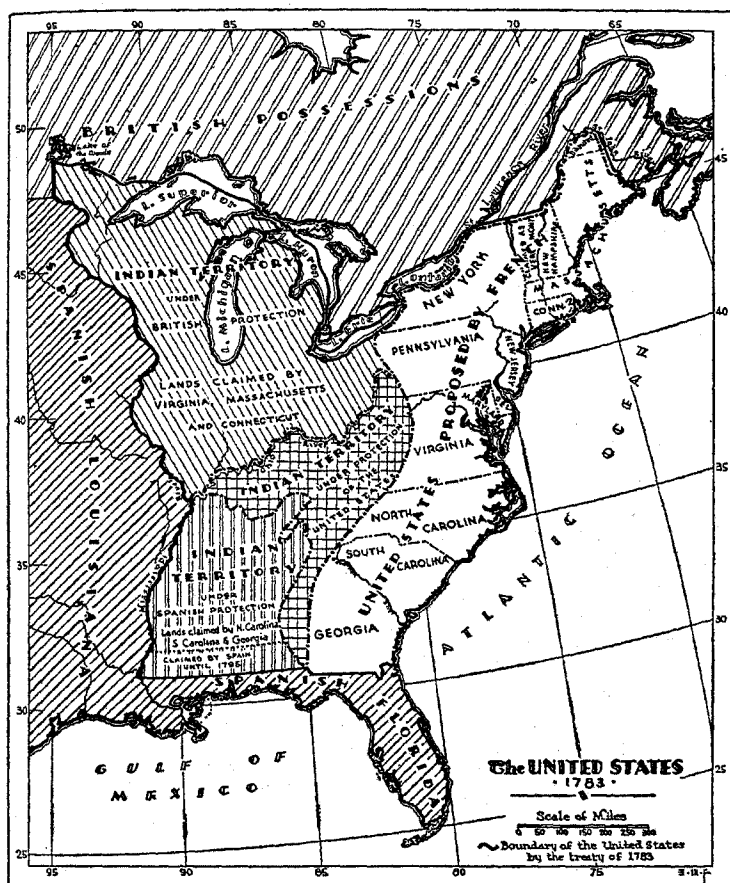
France toyed with the idea of arranging for the area between the Alleghenies and the Mississippi to be divided between Spain, Britain, and a gigantic Indian reservation. An agent, Vergennes' aide Rayneval, was even sent to London to open the subject in the summer of 1782—an errand sometimes called the "Double-cross Mission."

SEPARATE NEGOTIATIONS. In March, 1782, at a time when Jay was in Madrid and Adams in the Netherlands, Franklin wrote to Shelburne, who soon entered the London cabinet and sent the friendly Richard Oswald to talk things over. Jay came to Paris in June and Adams in October. Jay's suspicions of the French were sharpened when the British sent him an uncomplimentary letter written by a French agent in America which had been intercepted by them. Jay and Adams then convinced Franklin (who had kept the French informed of his activities thus far) that they should deal with the British separately. By November 30, 1782, the preliminary treaty had been secretly drafted. The final treaty was signed on September 3, 1783.

REACTIONS TO THE SEPARATE NEGOTIATIONS. Vergennes later gently rebuked Franklin for coming to terms with Britain apart from France, contrary to the treaty of alliance. Franklin replied that nothing had been agreed which was against the interests of France and that the Americans were guilty only of breaking etiquette. He cleverly urged Vergennes to keep the misunderstanding secret because the British already flattered themselves that they had divided the French and Americans. It is difficult to believe that it all came as a surprise to Vergennes, the master of an experienced corps of spies. He may have known of the Anglo-American relations and may even have approved, since a separate Anglo-American peace might excuse him from his obligation to get Gibraltar for Spain. At home, Congress was upset and debated nine days, feeling that the United States appeared ungrateful for French aid. The debate ended with the usual reference to a committee which reported out a mild reproof on which Congress did not act. Congressional leaders generally thought by this time that the instructions to the commissioners had been improperly drawn but should have been obeyed.

The Treaty. The final treaty of ten articles may be summarized and commented on as follows. (1) The independence of the United States was recognized. (2) The territory of the United States was defined as lying between the Mississippi and the Atlantic, between Canada and Florida. These latter two boundaries were not clearly drawn. On the north the boundaries of Maine and Minnesota had

to be settled by subsequent diplomatic work. Regarding the Florida boundary it was to be at $32^{\circ} 28'$ north latitude if Britain kept Florida, otherwise at 31° . This latter provision was secret. (3) Americans could continue to catch and cure fish on the shores of Newfoundland



and Canada. Later there were disputes over this which dragged on until the twentieth century. (4) Creditors would meet with no impediments in collecting debts. (5) Congress would urge the states to restore loyalists' property. In the end, only Pennsylvania indemnified loyalist sufferers. It has been estimated that the British government compensated the loyalist emigrants in land and money to a total value of thirty million dollars. (6) There would be no further penalties applied to loyalists. (7) All prisoners were to be freed, and the

British forces were to leave America. (8) The navigation of the Mississippi, from source to sea, was to be open to both British and Americans. As it turned out, the Spanish controlled the mouth for the next fourteen years and this article was of no practical effect. (9) Any conquests made after the treaty was drafted were to be restored. (10) The treaty was to be ratified within six months.

Conclusion. This treaty favored the United States in all respects. Considering the circumstances of the 1780's, it is hard to see where a politically possible improvement could have been made except to clarify the article on the fisheries. The boundary difficulties which arose later came up because of an invincible ignorance of geography in 1782-1783. It may be noted here that other settlements were made. Spain kept the Floridas and Minorca (Britain saving Gibraltar). France got some West Indian islands, the bills, the satisfaction of humbling the British, and a fatal tendency toward bankruptcy and republicanism.

TOPICS FOR FURTHER STUDY

1. Sketch the naval career of one of the following: John Paul Jones, Esek Hopkins, John Barry, Joshua Barney.
2. Give an account of the life of an ordinary seaman of the Royal Navy in the eighteenth century.
3. How did Benedict Arnold arrange to sell West Point?
4. Construct and annotate a detailed chronology of Cornwallis' campaigns, 1780-1781.
5. Sketch the American military career of one of the following: Greene, Cornwallis, Gates, Lafayette.
6. The war for American independence has been variously described as a revolution, an international war, a civil war, and a punitive expedition. With which view, if any, do you agree and why?

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Significant Dates

Virginia Declaration of Rights . 1776

Massachusetts Constitution Popu-
larly Ratified 1780

Articles of Confederation . . . 1781

Methodist Episcopal Church . . 1784

First Catholic Bishop 1789

University of North Carolina . . 1789

CHAPTER XV

THE STATES IN CONFEDERATION

SOCIAL AND ECONOMIC CHANGES

The American Revolution was more than a war and more than a political overturn. Considerable changes in the organization of society and of economic life resulted from the Revolution.

General Effects of the Revolution. It has been argued that this was a great social and economic revolution. Opponents of this opinion, on the contrary, say that the same crowd was in power from beginning to end and that no class was impoverished or destroyed except that of the royal officials who were turned out for political reasons. But, like every war, the Revolution required a postwar economic readjustment, and this was made more difficult by the transition from the status of a colonial dependency to that of a sovereign nation.

Economic Changes. The Revolution threw off the British limitations on manufacturing and trade, and brought a few changes in the land system.

MANUFACTURING AND COMMERCE. Although manufacturing was now free to American enterprisers, not much was done about it before the nineteenth century because of several handicaps: (1) ignorance of industrial techniques and, shall we say, of "British know-how," (2) lack of capital, and (3) a chronic shortage of wage-labor. The commercial development was more significant. Trade, now excluded from the British empire for the most part, began to feel its way in new channels and Yankee shipmasters began to go into the China trade.

LAND TENURE. Outside New York the changes in land ownership and land law did not radically revise the system. Usually when loyalist land was sold, it was sold as a unit to some well-to-do person who took up the manner of living and sometimes the politics of his predecessor. In New York, however, many great loyalist estates were divided among their tenants at a few cents an acre, but the "Whig" landlords lost only their feudal privileges, such as manor courts, hunting monopolies, and monopolies of milling. They kept their rents. Much has been said of a social revolution in Virginia, citing the repeal of primogeniture and entail. When it is considered that primogeniture applied only in cases of intestacy (i.e., when the owner died without making a will) and that entail had been a privilege and not compulsory, this does not seem very revolutionary. The anti-aristocratic feeling of Pennsylvania is shown by the original state constitutional prohibition of "game laws" (later repealed).

Religion during the Revolution. Except for material decay and administrative disorganization, the average American probably felt or saw little difference in religion during the Revolution; but the ferment of ideas during the last quarter of the eighteenth century produced new theories which were to have a profound influence on American religious life. This was the age when rationalism and deism attacked the traditional theologies. Rationalism gave priority to reason over revelation, and deism asserted that an impersonal God had established natural law for the universe and then had left it to run by itself. The conservative answer to rationalism was Methodism, the greatest religious movement of the eighteenth century and one which promoted an intense methodical devotion to Our Lord. In America, the movement separated from the Church of England under the leadership of Francis Asbury in 1784. For the older churches the postwar problem was principally that of reorganization. The Dutch Reformed and Presbyterian had been independent before the Revolution. The Congregationalists (who began to hear criticism of

their union with the state in New England) and the Baptists had been independent almost from the beginning. The remnant of the Anglican church became the Protestant Episcopal church in 1784, Samuel Seabury having become the first Episcopal bishop; and the Catholics were soon to receive the appointment of their first American bishop, John Carroll, in 1789.

Cultural Development. Like most wars this one slowed cultural development. And, as in most postwar periods, the arts and sciences recovered after the war and went on to new creations.

COLLEGES AND SCHOOLS. In education, the primary schools suffered the most from the war. Colleges and secondary schools lost most of their students during the war, but the whole period saw an increase in the number of institutions. Among the new colleges founded immediately after the war were Georgetown, St. John's (Annapolis), and Charleston. Maryland, Georgia, and North Carolina moved toward their state universities, the latter being chartered in 1789. The older colleges recovered from the war, without exception.

LEARNED SOCIETIES. Before the war the American Philosophical Society was founded, and after hostilities two more learned societies were organized: the American Academy of Arts and Letters (at Boston) and the Connecticut Academy.

LITERATURE AND THE FINE ARTS. The arts and letters were still the domain of gifted men who, with a few exceptions, were insulated from the people and patronized by the aristocracy—which is to say that they had no mass audiences nor did they live in the currents of popular intellectual life. Most of their work is today known only to antiquarians. The theater was overcoming moral scruples by heavy emphasis on didactic themes, promoting patriotism and glorifying the American spirit rather than the American girl. The only durable musical composition was the well-constructed classic, "Hail Columbia." Architecture suffered from war's distractions, no distinguished church, public building, or private residence being built in that generation. Painting continued to exploit the purse and pride of aristocracy by concentrating almost exclusively on portraits, although an occasional crowded patriotic tableau was produced. The prestige of the press had been increased by the success of the Revolution, which most newspapers had supported; and the papers showed greater circulation and greater partisanship. Americans of the age worthy of remembrance were Gilbert Stuart, Charles Wilson Peale, and John Trumbull, painters; Jedediah Morse, whose broadly conceived

American geography was very widely read and was an undoubted unifying force; and Noah Webster, whose "Blue-Backed Speller" sold sixty million copies in a century and helped to standardize the "American language," and to finance the study which went into the preparation of his noted dictionary.

SCIENCE. American science in the Revolutionary era was hampered by lack of training and support. Nearly all the scientific leaders were self-taught. The government did little to support investigation until President Jefferson's administration. There were too few industries to foster research, and the colleges devoted the classical curriculum to other ends. However, the beginning of specialized study was there, and that was to mark the beginning of a new epoch in American science—the "Patristic Age"—beginning in the 1790's. Thus far there had been an age of "universal" scholars who tried to describe and classify phenomena but did little to explain them. Outstanding in that group was Thomas Jefferson, president of the American Philosophical Society, whose curiosity ranged from ancient law, through paleology, to botany and geography.

Immigration. The American Revolution, and the wars of the French Revolution and Napoleon, combined to cut immigration far below previous peak periods. From 1776 to 1825 only a quarter of a million immigrants entered the United States, and, as has been said, "the melting pot simmered slowly." In no other period before 1920 was immigration of such small consequence.

Social Problems. One immediate effect of the Revolution was the growth of a more moderate attitude toward the proper punishment of crime. In Pennsylvania, capital punishment was restricted to four offenses in the constitution of 1776. Jefferson urged a criminal code on the Virginia House of Burgesses which would have executed criminals only for murder and treason. It failed of passage by one vote, but in the 1790's substantially the same code was enacted. In 1788 Congress similarly limited capital punishment in the Northwest Territory. Generally, the adoption of milder penalties waited for the establishment of penitentiary systems. This generation also saw the appearance of the first notable temperance advocate in Dr. Benjamin Rush, though he had little success. What was to become the prime social and economic problem of American history, chattel slavery, received some attention. Slavery was abolished in five Northern states and prohibited in the Northwest Territory, but "Abolition" was no trumpet to arouse a host since most speculative Americans expected slavery to die of itself.

THE POLITICAL REVOLUTION: THE STATES

Whether or not it was a social revolution, the American Revolution was certainly a political revolution—and a very unusual one inasmuch as the construction of local political institutions was done as efficiently as was the earlier destruction. Unlike many other political revolutions, in no phase did it produce either anarchy or dictatorship. This moderation resulted from generations of experience in local self-government and from the relative conservatism of many leaders, as compared with other revolutionaries. So conservative were the leaders that the Revolution has been described as a counterrevolution against the novel encroachments of Parliament since 1689. The Americans claimed that their ancient rights had been violated. Therefore they wanted to make it possible for every man to carry a list of his rights in his hip pocket. On the other hand, they feared anarchy. Therefore they built new local governments on old foundations to keep order. Generally the state constitutions were more skillfully done than were the Articles of Confederation, for the simple reason that Americans had had much local government experience but no experience in erecting a substitute for an empire.

The New State Constitutions. The Revolutionary period was the first great period of constitution-writing in modern history. Acting as a sovereign nation, each state either made a new constitution or altered its old one.

CONGRESSIONAL LEADERSHIP. The states looked to Congress for leadership, and Congress knew that it could hardly exist without the support of strong local governments. Accordingly, when Massachusetts asked what it should do, in the spring of 1775, Congress replied that Parliament had no more authority because it had tried to subvert the charter and that the royal officers, by aiding the subversion, had vacated their offices. Other states received similar replies when they asked for guidance. In the spring of 1776, Congress resolved that all royal government was to be suppressed and that the states should set up whatever governments they wished.

STATE ACTION. State constitutions were being drafted from 1776 to 1784. Virginia, New Jersey, Delaware, Pennsylvania, Maryland, South Carolina, and North Carolina wrote theirs in 1776, and Georgia and New York theirs in 1777. Massachusetts did not satisfy herself until 1789. The first attempt of Massachusetts was to have the General Court write it and to submit it for ratification (the first such submission). It was rejected by the voters, both radicals and

conservatives finding fault. The second and successful document was written by a convention and ratified by enough town meetings to cause the convention to declare it in force (1781). New Hampshire modeled a constitution on that of Massachusetts in 1784. Connecticut and Rhode Island kept their Stuart charters, with a few changes. The new constitution of Pennsylvania was the most democratic and the most quarrelled-over of the whole war period.

Provisions of the New Constitutions. The new constitutions had certain elements in common. They provided for fewer elective officers than those of today. All those after the first four were framed by specially selected bodies, a technique which recognized the fundamental nature of a constitution. Up to 1780 they were ratified by their framers, but in 1780 Massachusetts had its new document ratified by the people in their town meetings. Popular ratification ultimately became the accepted way to put an American constitution in force. As for the amending process, not so much attention was given to it. All the constitutions were written constitutions for several reasons. The people were used to written charters; or, if they had lost their charter as had Virginia, they envied those who retained them. Again, in controversies with England they often regretted not having an understanding of the nature of the empire down in writing. And the influential French political writer Montesquieu had recommended that all constitutions should be written. A final common element was that the writing was greatly influenced by Americans who were not only educated in political theory but also experienced in political practice.

RELIGION. The Americans of that age still believed that there was a connection between religion and good government. Many had religious tests for public office but showed an anticlerical color by barring clergymen from office.

CIVIL LIBERTIES. Since the people were surrendering some of their rights, they took the precaution of writing down those which had not been surrendered. In June, 1776, Virginia adopted the first such list, her "Declaration of Rights," an American classic which has been adapted for use in most constitutions since then. Seven of the new constitutions (North Carolina, Virginia, Maryland, Delaware, Pennsylvania, Massachusetts, and New Hampshire) had bills of rights. Particular care was taken to guarantee freedom of speech and press.

PROPERTY. Taxation having been one of the issues of the Revolution, most states were careful to strengthen the institution of private

property. In the years 1775–1789 every state abolished quitrent as a part of land tenure. Most states had some property qualification for public office and voting, expressed in terms of tax payment or assessed value.

SEPARATION OF POWERS. The separation of powers was stated in principle but crudely done. Nevertheless, no permanent European state has gone so far in this matter as the Americans have. The idea is that each major branch—the executive, the legislative, and the judiciary—should be able to check the others so as to avoid a dangerous centralization. Although the constitution writers claimed to see it in free nations of the Ancient World, its origin cannot be traced with certainty beyond eighteenth-century thought. The merit of the idea is that it makes democratic government too clumsy to be tyrannical. It has been criticized by those who say that government does not need to be weak in order to be limited and that a government of separated powers is irresponsible. It has been defended by those who fear excessive centralization of political functions.

OFFICERS AND AMENDMENTS. (1) Usually the legislature was given rather more power than less, because of the unhappy memories the people had of their royal governors and because the legislatures had led the resistance. It was usually bicameral (i.e., it had two chambers). (2) Generally the executive was elected by “popular” vote—perhaps one man in seven could vote—and each governor had an executive council, usually chosen for him by the legislature. (3) The judges were commonly chosen by the legislature with tenure during “good behavior,” a phrase to be defined by the legislature. (4) There was no uniformity of the amending process. Where amendments could be made, they were generally to be done in various awkward ways by the respective legislatures. The vagueness of thought on this subject was due, in part, to the common notion that these constitutions were finished products and did not really need much alteration.

American Law. During and after the Revolution there was much discussion of the binding force of the English common law in America, and there was a strong nationalist feeling against it. Fortunately for us, this great heritage of free men was saved when six states enacted that such parts of the common law should be enforced as had been accepted in American courts before a certain date. The question of whether later decisions of English courts should be cited in America was left to the courts or to subsequent acts of state legislatures. American legal practice was faced with much confusion

and difficulty until 1789, when a Connecticut statute required the publication of state court reports, and other states followed with similar enactments.

THE POLITICAL REVOLUTION: THE ARTICLES OF CONFEDERATION

Having separated from the empire, the Americans found they had only wrenched a problem from the hands of the British government and put themselves in a position where they had to answer a question which the British had been unable to answer satisfactorily. That question was: How can the Americans be organized so as to co-operate in a common enterprise? The answer, intended to be perpetual but destined to be temporary, was the formation of a loose confederacy, looser even than the league which had been contemplated by the Albany Plan.

Formation of the Confederation. The problem of establishing some kind of an agency through which the rebellious states could prosecute their common war was an immediate one. Congress, which took over the direction of the war, was an "unofficial" body and the legalism of the rebels demanded some sort of a contractual basis for such an institution. The pressure of the war postponed any action until 1777. To form a unitary state was unthinkable, and when the confederation plan was finally presented it definitely recognized that the ultimate power rested with the states. The Articles were not finally accepted until 1781, adoption being delayed by controversy on three main points: (1) whether the states should be represented equally or in proportion to population, (2) what should be the basis for determining the amount of money to be contributed by each state, (3) what disposition, if any, should be made of the western lands claimed by several states. It was determined that (1) the states should each have one vote, (2) money contributions should be in proportion to the value of privately owned land, and (3) the western lands were to become the property of the United States. The land policy was the last to be arrived at and is one of the most significant decisions in American history.¹

STRUCTURE OF THE CONFEDERATION. All officers of the Confederation were officers of Congress. Congress controlled or, better, supervised embassies, treaties, the peacetime armed forces, interstate agreements, making peace and war, joint disbursements, the alloy and value of coins, weights and measures, relations with In-

¹ On the problem of the western lands, see Chapter XVI.

dians outside the states, military commissions in the higher ranks, and the borrowing of money. A thorough check on Congress was provided by the necessity for nine states to agree on any important policy and, more rigorous, for unanimous agreement on proposed amendments. All nonenumerated powers were retained by the states. Congress could not force any state to do anything and had no authority over individuals (except those in the army and navy). In its day-to-day business the Congress at first functioned almost entirely through committees, but early in 1781 it appointed four new officers: superintendent of finance, secretary of war, secretary of marine, and secretary of foreign affairs. Later the marine office was combined with the finance office.

DEFECTS AND MERITS. It has been the habit of historians to damn the Confederation and its Congress, partly because the soldiers "griped" about it and partly because the proponents of the United States Constitution in 1787 and 1788 damned it in order to make the need for reform seem even more urgent. Its principal defects were that (like the League of Nations) it could only advise members to act in a certain way and hope that the pressure of public opinion would get results, and (as with the United Nations) one member could veto any amendment of the Articles on which it was based. In retrospect, it had certain obvious merits. It did get on with the war, however poorly. It was a mutual-encouragement society when prospects were dusky and uncertain. If Congress had not wandered about so much, frequently dodging the Redcoats, it might have been less a subject for cracker-barrel wit and more respected. In short, it carried on the routine administration of the joint concerns of the states, but whenever a new and unusual problem came up this was settled outside, "on the state level."

TOPICS FOR FURTHER STUDY

1. Give an account of the China trade in the 1780's.
2. Sketch the public life of one of the following: Francis Asbury, Samuel Seabury, John Carroll.
3. Sketch the professional career of one of the following: Gilbert Stuart, Jedediah Morse, Noah Webster.
4. Using the terms broadly, what were the principal scientific achievements of Thomas Jefferson?
5. Why is the first Pennsylvania state constitution thought to be the most democratic of the original state constitutions?
6. In what ways did Congress conduct its routine administrative business?

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Significant Dates

Virginia Land Cession . . .	1781
Land Ordinance	1785
Jay-Gardoqui Agreement . . .	1786
Shays' Rebellion	1786
Northwest Ordinance	1787

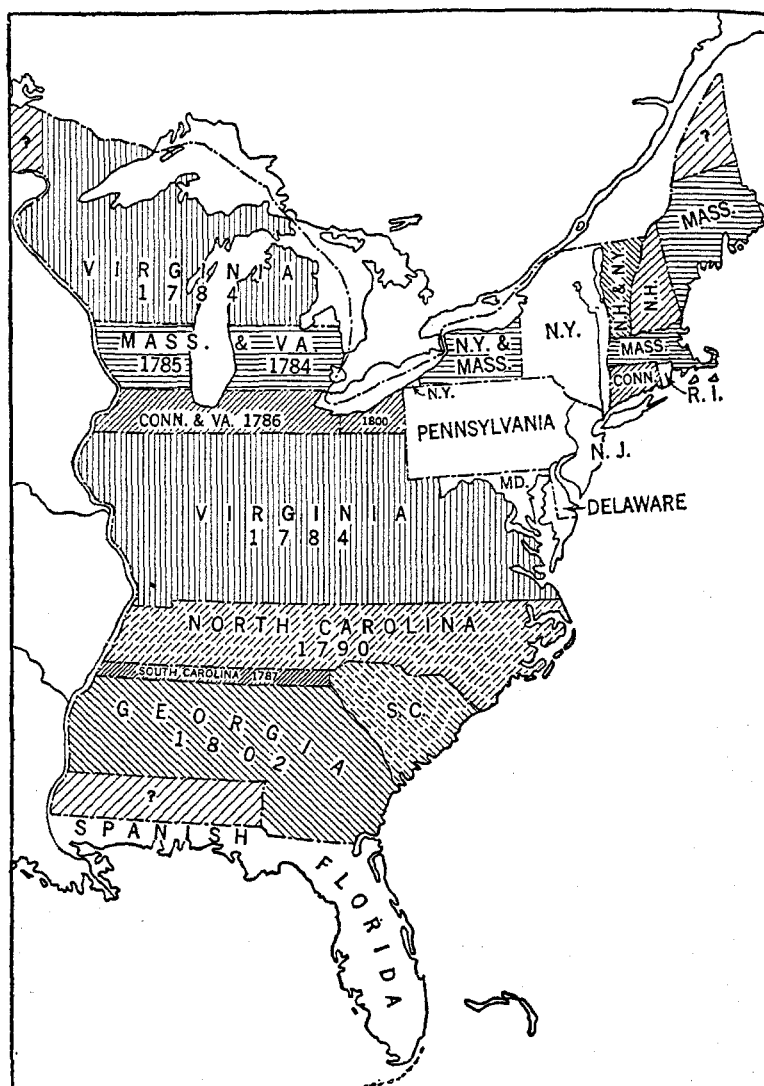
CHAPTER XVI

THE CONFEDERATION YEARS

THE WESTERN LANDS

The statesmanship of the Confederation was at its best when dealing with the problem of the western lands. The West could have been treated as a dependent colony or colonies (with a cynical wink at the Golden Rule), or it could have been pooled, promoted to statehood, and made the foundation of an intelligent land system. Fortunately for posterity, Congress adopted the latter course.

The Lands and the Articles. Western land policy was tied to the Articles of Confederation by Maryland's refusal to ratify so long as the Articles contained a clause to the effect that no state could be deprived of its lands for the benefit of the United States. It has been said that the position of Maryland was taken because she was "national minded." Others have said that she, having no western lands of her own, was determined to cancel the advantage of the landed states. Whether these motives were real or not, it is a fact that many of her leading men were interested in land speculation (through the Illinois Company and the Wabash Company) and hoped to get better terms from Congress than could be had from the states which claimed western lands.



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Western Land Claims 1781-1802

Dates are of cession to U.S. States with no Western claims, or vague claim left white.

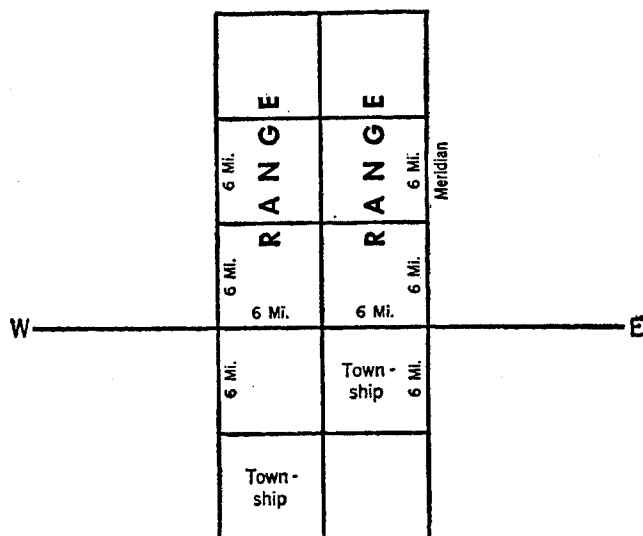
The Western Claims Ceded. The western claims of Virginia, New York, Connecticut, Massachusetts, the Carolinas, and Georgia rested on their original sea-to-sea charters, as modified by the Mississippi River boundary of 1763. The deadlock caused by Maryland's firmness lasted until New York agreed to give up her rather shadowy claim in 1780. Virginia, at a real sacrifice, offered in 1781 to cede her genuine claim on condition that no private purchase from the Indians would ever be validated by Congress. The rest followed, with Georgia ceding last in 1802. The total area given to the United States was a hundred and fifty million acres. This new empire, of tremendous political and economic value, now presented the United States with the same twin imperial problems which had faced Britain from 1607 to 1776: How should the vast lands be regulated and disposed of? How should this western dependency be governed?

The Ordinance of 1785. Congress answered the question of land regulation and disposal, passing the Land Ordinance of 1785.

PROVISIONS. The ordinance provided for survey before settlement, for division of the land into rectilinear blocks (which simplified recording and reduced the errors of crude surveying instruments), for the simple recording of land titles by numbers, and for the reservation of one section in each township for public purposes (usually applied to schools). Alternate townships were to be sold whole, which benefited speculators. This program was a great improvement over the earlier western practices which included survey after settlement, indiscriminate location, irregularly shaped plats, and recording by the description of boundaries which often had perishable marks thus contributing to confusion and litigation. The principles of the Ordinance of 1785 have been adopted for the Far West, and in Canada, Australia, and New Zealand.

ORIGINS. Some of the ideas of the Ordinance of 1785 can be traced to earlier practices. The idea of prior survey and rectilinear townships came from New England (although the New England towns were not perfectly square), as did the reservation of land for public purposes. The size of sections, thirty-six sections of 640 acres each (one square mile) to each township, came from the North Carolina pre-emption laws and from the Virginia grants to Kentucky "stations."

The Northwest Ordinance. There had been a good deal of thought on the subject of the government of the West, and as early as 1780 Congress had resolved that any western lands it might acquire should be divided into "republican states" equal in status to



6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26 b	25 c
				b	c
31	32	33	34	35 a	36 b
					d e e
					d e e

SYSTEM OF LAND SURVEY

Township on enlarged scale showing sections and subdivisions

a=Section, 640 Acres;

b=Half-Section, 320 Acres;

c=Quarter-Section, 160 Acres;

d=Half-Quarter Section, 80 Acres;

e=Quarter-Quarter Section, 40 Acres

the older states. In 1784 Jefferson proposed a plan for eighteen western states to be erected when the western population justified it. Nothing came of it immediately, but the ideas were fermenting quietly for the next few years.

THE OHIO AND SCIOTO COMPANIES. The Ohio Company was organized in Boston and sold shares to the public in the sum of a million dollars, taking the I.O.U.'s which Congress had given the Revolutionary soldiers as payment. The company then proposed to buy the Muskingum valley from Congress under the terms of the Ordinance of 1785. Congress was not much interested until the appearance of the Scioto Company, composed in part of congressmen and other public officials. This group wished land but hesitated to buy it directly because of possible scandal. Therefore its leaders approached the Ohio Company and suggested that the Ohio Company ask for more land than it needed and then, when awarded, convey the surplus to the Scioto Company. The Ohio Company agreed, and thereafter Congress did not hesitate. The company wished to have the principles of government laid down in advance; and from this deal came, therefore, the impetus which led to the adoption of the Northwest Ordinance, which Congress passed in 1787. It applied to the area bounded by the Ohio and Mississippi rivers and the Great Lakes. The first settlement was Marietta, Ohio, in 1788.

PROVISIONS FOR NEW STATES. The Northwest Ordinance provided that from three to five states should be erected in the region. This provision for equal statehood is the most significant part of the ordinance. It goes back to the agitation for dominion status in the 1770's, to a radical English pamphlet reprinted in Philadelphia in 1776 (which foreshadowed Jefferson's proposal of 1784), to the Congressional resolution of 1780, to Jefferson's plan, and to the agitation for statehood in the west where the frontiersmen were threatening to go under Spanish rule. This was the great solution of the problem of empire. It provided for the administration of colonies called "territories" and for their eventual promotion to equal dignity as partners in a union of dominions called "states."

THE TERRITORIAL SYSTEM. The Northwest was to be governed in three stages. As long as the territory had a small population, it was to be under executive rule. When there were five thousand adult males, they were to be allowed to elect an assembly. When the population reached sixty thousand, a new state could be erected. The first and second stages were ye olde royal government written in republican language. The third stage, when the "colony" was

promoted to equality in the union, was the American novelty and it was an amazingly progressive yet simple solution to the problem which the British empire had failed to solve in the previous generation.

SLAVERY QUESTION. Slavery was prohibited in the Northwest by the Ordinance of 1787, and the prohibition was reaffirmed by Congress in 1789. Inasmuch as any of the states formed there could legally have introduced slavery after reaching statehood, this prohibition is interesting chiefly because it showed that proslavery men were not so militant as they became in the next century.

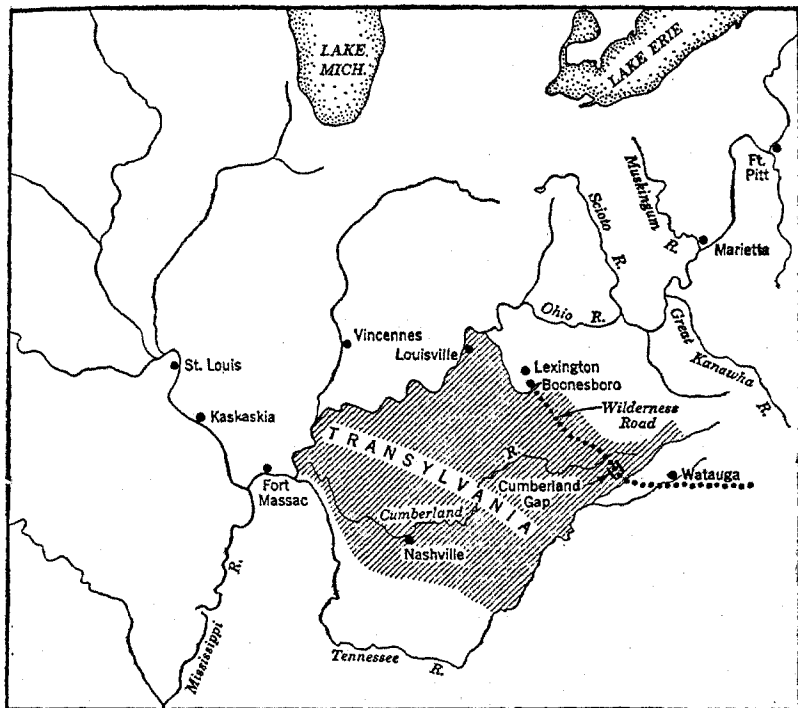
The Old Southwest. During the Confederation years the area south of the Ohio did not present Congress with the same problems as the Northwest. Kentucky land was practically all in private hands when Virginia ceded her jurisdiction over it, and south of Kentucky only South Carolina ceded her rights before 1790. Nevertheless the Southwest was settled rapidly during and after the Revolution.

GEOGRAPHY. In moving to the Old Southwest the Americans for the first time in their great migration had to overcome the obstacle of mountains, which in some places rose to four thousand feet above the valley floors. The principal passes through or around this obstacle had been held by Indians before the Revolution: the Iroquois held the Mohawk valley, the Shawnees blocked the Ohio River and the Cumberland Gap, and the Creek Confederacy prevented Southerners from passing to the south of the Appalachians. These "road blocks" crumbled during and after the Revolution. The most attractive districts were the Bluegrass region of Kentucky, the Nashville basin in Tennessee, and the fertile valleys of the Great Kanawha, Cumberland, and Tennessee rivers. The Southwest was heavily forested and difficult to clear, but it was a hardwood region and the folklore of agriculture said that hardwood grew on the best soil.

MIGRATION. Several speculative land companies were formed after King George's War, with particular interest in what is now Kentucky. The Cumberland Gap was discovered in 1750, and Daniel Boone saw the Bluegrass region in 1775 when he traced the Wilderness Road into that district. The British victory in the Seven Years' War opened the Ohio River as a route, and settlers began to trickle westward in the 1770's. By the end of the Revolution there were from fifteen to twenty thousand settlers in Kentucky. Almost as many moved into the Nashville basin and the valleys of streams tributary to the upper Tennessee River, until perhaps thirty thousand people lived in the Southwest at the end of the Revolution. Unlike the earlier

and later westward movements this one was made by pioneers who were native Americans. Although land titles were confused and governmental policy was uncertain, the trickle of pioneers grew to a flood in the Confederation years, and the census of 1790 counted a quarter of a million settlers in the Southwest.

LAND PRACTICES. There were two contending theories of the origin of land titles. The first, that valid title could be sold by the



The West, 1775-1788

Indians without the consent of the government, was urged by speculators. Governmental opinion was that title was vested in the sovereign by the discoveries which were made by its subjects. Only the government view was practical, because the savages would sell the same piece of land as many times as buyers could be found. Accepting the second theory, the state governments sold land in their Southwestern claims in the late 1770's at prices ranging from three to twenty-five cents an acre (although the face value of the depreciated currency taken was much higher). They gave land for advanced settlements

in order to form a military frontier. And they gave tracts up to 640 acres as bonuses to war veterans. The chief beneficiaries of these low prices and lavish gifts were land speculators who bought up military and other rights at a fraction of their value. Advertisements offered blocks of land for sale by speculators, amounting in several instances to a quarter of a million acres—and in one offer to four hundred thousand acres, which would be equivalent to a tract ten miles wide and over sixty-two miles long. It is quite likely that the state land laws of the Revolutionary decade were framed by speculators and put through by lobbyists. In the peculiar economic circumstances of the United States, land speculation was the chief outlet for investment.

THE SETTLEMENTS. There were three main nuclei of settlement in the Old Southwest: (1) Transylvania was an abortive attempt by Carolinian speculators to found a new "colony" by "buying" land from the Indians. Their first settlement was Boonesboro, Kentucky, in 1775. Since this was within the Virginia wilderness claim, Congress refused to grant Transylvania separate status; and Virginia compensated the investors with a gift of two hundred thousand acres out of which they made a good profit. At one time Transylvania had a governor and legislature, but Virginia erected it as the County of Kentucky in 1776, ignoring the informal local government. (2) The Watauga settlement in northeastern Tennessee on the headwaters of the Tennessee River was a pre-Revolutionary settlement, peopled in part by refugees from the Regulator troubles. Being outside any known political division, they governed themselves under the Watauga Compact. In 1776 they were included in North Carolina as Washington District but remained, *de facto*, independent. After the Revolution, John Sevier led them in forming the unrecognized State of Franklin, which provided a government until after 1787. (3) At the Nashville settlement under James Robertson, 284 men signed the Cumberland Compact, modeled after the Watauga Compact. In this singularly isolated but attractive place a successful settlement persisted in independence until it was joined with Watauga to form Tennessee. Of the signers of the Cumberland Compact, only ten survived for ten years; and of the 274 who died, 273 met death by violence.

Vermont. A typical frontier place was Vermont, although at the northern rim of the union instead of in the west. The contradictory claims of New Hampshire and New York to the Vermont district prevented Vermont's admission to the Union. Consequently, its

inhabitants were forced to self-reliance and for a time negotiated as a quasi-sovereign state with the British, on the question whether they should join Canada. In the end, the sentimental attachment prevailed, and Vermont was the first new state admitted to the Union.

ECONOMIC PROBLEMS

After the war, most of the men who had been displaced by it solved their employment "problem" by going back to the farms from which they had come. Because there were so few factories in America, there was no problem of industrial reconversion. Nevertheless, three hard questions remained unanswered during the Confederation years: (1) how to revive foreign trade, (2) what currency should be used, and (3) how to meet the Confederation's expenses.

Foreign Trade. Being a nation of extractive industries, the Confederation needed foreign markets in order to balance its economic life. The Southern states had less difficulty, and rice and tobacco exports were normal by the mid-1780's because Europe could not do without them.

THE WEST INDIES. The West Indies had been the best market for Middle state and New England exports before the Revolution, but now they were excluded. The old triangular trade involving North America, the West Indies, and the British Isles went into reverse as British shippers entered it. By 1786 these had the major share. Through the personal influence of Thomas Jefferson, who represented the United States in Paris, a limited trade of Americans with the French and Spanish West Indies was allowed.

THE BRITISH ISLES. Americans were allowed to trade with Britain because the British needed certain raw materials from the United States, particularly tobacco and forest products, but it was a precarious privilege granted by successive ministries. Anglo-American trade would not be put on a treaty basis by the British because, they alleged, the United States had not lived up to the Treaty of Paris of 1783 in that loyalist property was not returned nor could British creditors successfully collect prewar debts. These charges were, in part, a smoke screen. The British thought to get whatever part of American trade they wished without giving the United States anything they did not wish to give.

FRANCE. The French were eager to develop trade with America and hoped to replace Britain in the commercial pattern of America. They had a large consular staff working on the promotion of trade, but their banking system would not or could not adapt itself to the

American business tradition of long-term credit and annual settlements of accounts. The only American product the French were keen on getting was tobacco (which was one of the few products that easily secured entry into England), and their monopolistic methods did not appeal to the competitive-minded Americans. The French customarily granted a monopoly of tobacco sales to one man, who expected to buy all he wanted from one American, thus undercutting the competitive market and muting the chant of the tobacco auctioneer. Robert Morris once took a one-year contract but could not deliver, and the French tobacco Farmer-General bought the year's supply on the English market. By 1789 the unwillingness or inability of each side to accommodate itself to the other's practices had killed whatever hopes might have existed for developing a fundamentally sound Franco-American commercial relationship.

THE CHINA TRADE. Because of the many difficulties of trade in the Atlantic basin, enterprising New Englanders ventured with Indian trade goods into the Pacific, where they traded for furs on the western coast of North America. These furs they carried to Canton in China and returned home with cash or Asiatic goods. This was to become an important element in American foreign trade.

Currency Problems. Not a single complaint against the currency difficulties of the colonial period had been met by the Revolution, except that the states were now free to experiment. French and British traders occasionally brought in amazingly varied collections of metallic money which immediately went into hoarding in obedience to "Gresham's law." Some states, under the influence of creditors (who are always nervous in the presence of funny money), remained on a hard-money basis. Since there was almost no hard money in circulation, debtors became desperate when it came time to settle up. They asked for relief in several different ways. Some proposed to suspend payment of debts by law. Others wanted farm produce made legal tender at fixed prices (receipts for it could then circulate). Pressure was exerted down the chain of credit, leading to tax sales and mortgage foreclosures. Here and there a weathered war veteran began reflectively to clean and oil the musket he had carried against earlier takers of American property. Although the creditor class gave way and allowed paper money in seven states, bitterness mounted in the others. Farm prices were low, debts were payable in coin only, but there was no coin.

Confederation Finance. The Confederation had no power except to frame recommendations to the states. This weakness had

immediate effects on its finance. It could tell a state what it ought to pay but could not enforce payment. Consequently the Confederation treasury suffered from chronic malnutrition, only enough being paid in to meet running expenses while interest and debt went unpaid. Occasional loans and heroic prorating by the Congressional officers postponed total bankruptcy but not partial repudiation. In justice, the worst sufferers were those who had taken Continental paper-promises for war service and now saw them fall to a fraction of par. To provide remedies, several fiscal amendments to the Articles were proposed by Congress to the states, but fell far short of the unanimous consent necessary to amend the Articles.

Rising Radicalism. Under the pressure of debts which had to be paid in hard money, agrarian radicalism began to rise. In 1784 and 1785 public meetings in Massachusetts discussed the idea of abolishing taxes and holding all property in common. In 1786 mobs in New Hampshire and Massachusetts broke up court sessions to prevent tax judgments and foreclosure process. When they were declared outlaws, as so often happens when hard-pressed men are smeared by a nasty word, the Massachusetts men decided to live up to the name and fell in behind a retired army captain, Daniel Shays. They intended to besiege Boston to force relief by the General Court. Lacking weapons they assaulted the government arsenal at Springfield but were dispersed and hunted through the countryside. This sorry affair, called "Shays' Rebellion," sent an electric shock through the country and provided the emotional charge necessary to make people accept the conservative constitutional revolution which resulted in the formation of the federal union in 1789.

DIPLOMATIC PROBLEMS

Nowhere did the new American Confederation show its weakness more plainly than in the field of foreign relations. With a central agency which could only "advise," with disordered finances, it was incapable of commanding respect abroad; for it had nothing to offer in a bargain, nor had it a navy to make it feared. It had no European friends except the French, who were cooling rapidly, and Europe was generally sceptical of the success of the American experiment. Despite the loss of the "American War," as they called it, the British were still the strongest nation, and were getting stronger; and they remained traditional enemies for generations. At home, domestic partisanship and sectionalism were intensifying and making it next to impossible to have a coherent foreign viewpoint under Con-

federation auspices. Against this background, four powers—Britain, France, Spain, and the United States—struggled to establish themselves in western America in the twenty years following the war. Next to the constitutional revolution of 1787–1789 this was probably the most important aspect of American history in the postwar generation.

Relations with Britain. The Confederation had particularly unhappy relations with Britain, which held military installations on United States soil and barred American traders from the West Indies. There was no question, in diplomatic jargon, of leaving the door open to negotiations. By withholding a minister to the United States until 1791, the British locked the door and plugged the keyhole.

THE NORTHWEST POSTS. Britain held six posts in the west, strategically located at straits or portages used by the fur trade. These were at Oswego, Niagara, Fort Erie, Miami, Detroit, and Mackinac. In the Treaty of Paris she had promised to abandon them but postponed evacuation for years on the ground that the United States had violated the treaty provisions regarding loyalist property and British creditors. The power holding these places would inherit the Northwest if the United States fell apart, and meanwhile Britain controlled the fur trade there (worth about a hundred thousand pounds sterling annually) and dominated the Indians. One result of the British occupation of Canada in 1763 had been the ruin of the French fur traders. In the 1780's they were replaced by traders who formed the Northwest Company, which traded into territory rightfully belonging to the United States. No discernible progress was made by the Americans in this affair during the Confederation years.

THE BRITISH WEST INDIES. American agents in Europe were early instructed to try to secure the admission of American ships into the British West Indian ports. The peacemakers of 1783 had tried to write it into the Treaty of Paris; but this failed, as did later attempts during the period of the Confederation. With thirteen separate sovereign states concerned with the regulation of international trade, the Americans were unable to undertake concerted retaliation.

Relations with Spain. The area of difficulty with Spain was the Southwest. In the dispute with the British over the Northwest it was a question of American rights, but in the Spanish business that was not the case. In the Southwest, aside from boundary arguments where the American case was weak, the chief issue was the use of the

Mississippi River where it ran to the sea through the Spanish colony of Louisiana.

THE SPANISH ATTITUDE. The Spanish were in no mood to give anything to the Americans. They were disappointed by the failure to reduce Gibraltar during the war, and were displeased that the western boundary of the United States had been set at the Mississippi River instead of the Appalachian divide. To make her own holdings secure in the west, Spain closed the river to American traffic, intrigued with discontented American frontiersmen, encouraged Americans to immigrate into Spanish Louisiana (on the theory that they could be controlled more easily under Spanish government than if they lived next door), and built up a system of Indian alliances with the tribes of the Old Southwest.

THE MISSISSIPPI QUESTION. The western Americans wished to have free navigation of the Mississippi, with the "right" to deposit their produce in New Orleans for loading in seagoing vessels and the "right" to sell in the Louisiana markets. All these privileges had been enjoyed during the war as a military matter; but Spain closed them out in 1784, according to her normal peacetime mercantile policy. To keep the Gulf of Mexico a Spanish lake, it seemed important to bar the Americans. Yet enforcement was not inflexible. The French in Louisiana liked to trade with the Americans, and Spanish officials could be bribed.

THE JAY-GARDOQUI AGREEMENT, 1786. John Jay made a tentative agreement with the Spanish in 1786 in which the United States would have accepted the closing of the Mississippi. Westerners were outraged, feeling that they had been literally sold down the river. Washington favored the agreement, thinking that it would compel the construction of a Potomac-Ohio canal which would bind the east and west. Congress rejected the agreement by a sectional vote, seven Northern states voting for the agreement and five Southern states against (it required nine votes for adoption).

THE FRONTIER MOOD. In the mid-1780's the westerners were beginning to think Spain had more to offer than the United States had. They resented their failures to achieve statehood, patriotism was at low tide, the Confederation looked (and was) weak and appeared to be dominated by land speculators. When news came that seven states had voted for the Jay-Gardoqui agreement, the backwoodsmen felt that they might be sacrificed at any time. Spain tried to exploit this discontent by building a pro-Spanish party in the west, relying on pensions to American frontier leaders for creating

good will and hoping that the west could be pried loose from the Confederation somehow and brought under the Spanish crown. The crisis came in 1788 when a Kentucky convention met to consider the Mississippi question and western state-making. Fortunately for the United States, the Constitution was being ratified and Kentucky was willing to give the new Congress a trial. In the same year Spain set up a system of tariffs and licenses which allowed trade in and through Spanish Louisiana.

Other Foreign Relations. Relations with Britain and Spain were only part of the diplomatic business of the Confederation. There were efforts to put foreign trade on a treaty basis, there were pirates to contend with, and attempts were made to neutralize Spanish influence on the southwestern Indians.

PROMOTION OF FOREIGN TRADE. There were two policies a strong nation in America's position could follow to promote foreign trade: first a policy of reciprocity based on commercial treaties and, second, a policy of retaliation against nations which excluded American trade, either by complete exclusion of their trade or by levying discriminatory duties against them. The Confederation, however, had no authority to regulate international trade either by exclusion or by levying tariffs, so only the policy of reciprocity could be pursued. From 1778 to 1786 the United States negotiated commercial treaties with France, the Netherlands, Sweden, Prussia, and Morocco. These were not entirely successful, since business channels could not be changed overnight. American business customs had been built over a period of a century and a half, always revolving around Britain, and American trade naturally gravitated in that direction. American foreign-trade policy for the next decade was directed at making a breach in the barrier of British mercantilism.

PIRACY. The Americans could only pay bribes, blackmail, and ransom to Caribbean and Mediterranean pirates until the United States Navy was re-established in the 1790's.

INDIAN RELATIONS. As a counteroffensive against Spanish influence over the Indians, treaties were made with the Cherokees (1785), Choctaws (1786), Chickasaws (1786), and Creeks (1789), in which the United States promised to protect the Indians against land-hungry frontiersmen. This policy was unsuccessful because the Spanish met and raised any really attractive bids the United States made. For example when the Creek Indian leader (and businessman) Alexander McGillivray was taken to New York, lionized there, elected to membership in the Society of St. Tammany, commissioned

a general officer in the United States Army, and given a pension, the Spanish easily won him back with a larger pension.

AMERICAN ISOLATIONISM. The long-standing isolationism of the Americans has roots in the pre-Revolutionary centuries, since multitudes of settlers had come here to escape from Europe. Explicit statements of this were made by responsible colonial leaders as early as 1651. Nevertheless, the continent of North America has been involved in almost every world war since the Renaissance, and Europe has always regarded it as a weight in the balance of power. Until 1815 these wars increased in frequency. During the Revolution the alliance with France was only a temporary abandonment of the basic tenet of isolationism, and after 1783 the attitude rebounded. In the Confederation years practically all leaders were isolationist, and the argument that only a strong government could hold itself aloof from Europe helped in the campaign to ratify the Constitution.

TOPICS FOR FURTHER STUDY

1. Prepare a diagram and accompanying description of a typical Kentucky "station."
2. Prepare organizational charts with accompanying explanation of the first two stages of territorial government according to the Northwest Ordinance of 1787.
3. Why was slavery prohibited by the Northwest Ordinance of 1787?
4. Describe the experience of Rhode Island with paper money during the 1780's.
5. Explain and evaluate the dispute regarding the northern boundary of West Florida.
6. What were the background and terms of the Jay-Gardoqui agreement of 1786?

SUGGESTED READING FOR CHAPTER XVI

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S. E. Morison, *The Maritime History of Massachusetts, 1783-1860* (1921).
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Significant Dates

Maryland-Virginia Conference . 1785

Annapolis Convention . . . 1786

Constitutional Convention . . 1787

Constitution Ratified . . . 1788

CHAPTER XVII

THE FORMATION OF THE UNION

THE REVISION MOVEMENT

Dissatisfaction with the Articles of Confederation developed cumulatively through the 1780's and resulted in the calling of a convention to revise the Articles in Philadelphia in 1787.

Political Motives. The political incompetence of Congress under the Articles was plain to all, which is not the same as saying that it was universally disapproved. Shays' Rebellion frightened many. Others were dissatisfied with the light-hearted way the states observed treaties and ignored the attempt of John Jay, when secretary for foreign affairs, to persuade the states that treaties were the law of the land. In 1786 a committee presided over by Charles Pinckney urged: (1) that resistance to an attempt of Congress to collect an assessment be considered a violation of the compact, (2) that members of Congress be compelled to attend sessions of Congress; in retrospect this was a pitiful recommendation! Noah Webster, Pelatiah Webster, and Alexander Hamilton wrote pamphlets which criticized the Articles as being too weak. As early as 1781 a Congressional committee had reported favorably on a proposed amendment to the Articles which would have authorized the seizure of the property of a state delinquent on its financial assessment, but Congress had not recommended it to

the states for ratification. A later proposal to empower Congress to collect customs duties was ratified by only two states. These and similar episodes provided ample motivation for political reformers to urge a revision of the Articles of Confederation.

Economic Motives. In addition to the currency difficulties and the lack of an effective central agency to promote foreign trade (which have been mentioned above), American business began to be plagued by interstate tariff barriers, sometimes approaching the ridiculous. The steady decline of the value of Confederation securities allowed them to fall into the hands of speculators who wished to see the establishment of a fiscal agency capable of paying the Confederation obligations at par. The absence of any authority which could deal vigorously with the Indians hampered land speculators. A few men dreamed of an industrial America which could be developed behind tariff walls, if tariffs could be made to stick. Thus came into being a bloc of men motivated by a desire for nationalizing the economic system in a way which was impossible under the Articles of Confederation.

Preliminary Conferences. In 1785 delegates from Maryland and Virginia met to discuss certain conflicting claims to the navigation of the Potomac River. This meeting was a light in the political darkness. If Maryland and Virginia could confer on mutual difficulties, why could not all of the states meet to discuss all of the difficulties? Accordingly, a convention of five states met in Annapolis in the following year and proposed to Congress that a convention of all states be called to meet in Philadelphia in 1787 to revise the Articles of Confederation. Congress agreed to the proposal, and the nationalists set to work to assure the success of the convention.

The Philadelphia Convention of 1787. An excellent representation of the states appeared at Philadelphia in 1787, and this in an age when it required from ten to fourteen days to travel from Boston to Philadelphia, and three weeks from Charlottesville, Virginia, to Philadelphia. The convention met during a depression, with universal restlessness and discontent accented by Shays' Rebellion of the previous year. From the perspective of the twentieth century, the 1780's seem to have had all the elements of a violent revolution, ending in mob rule or despotism; but, instead, a moderately conservative middle road was followed. Eleven states participated. New Hampshire came too late, and Rhode Island chose to ignore the whole affair. The delegates were good theorists and good practitioners of politics, for the most part. They wrote the oldest and most revered

constitution, and what is notable is that crucial decisions were reached by discussion and debate and that the members did not glide on the wings of oratory for the pleasure of it. For once, and it is a heartening thought, the course of history was changed by argument.

LEADERS AT PHILADELPHIA. Sixty-two delegates were appointed, of whom fifty-five came and thirty-nine signed the finished document. Conspicuous by their absence were leading radicals of the Revolution: Jefferson, Paine, Henry, Samuel Adams. It is impossible here to catalog the delegates, but a few may be mentioned. Probably the four greatest men in the meeting were Washington, Franklin, James Madison, and Alexander Hamilton. Franklin was in advanced years and served chiefly as an amiable compromiser who soothed ruffled plumes when necessary. Madison took the burden of nationalist leadership and earned the title "Father of the Constitution." Later he was one of the Constitution's ablest apologists. Perhaps the most brilliant mind in the convention was Hamilton's, although he was not decisively influential during the session. After the session he contributed a great deal to the interpretation of the Constitution (and during the administration of President Washington he crystallized some of the most important and durable concepts of American constitutional law and policy). Other notable delegates, to name but a few, were George Mason, author of the Virginia "Declaration of Rights," Charles Pinckney, and Edmund Randolph, who frequently acted as mouthpiece for Madison's ideas.

WASHINGTON AS CHAIRMAN. The best-known and most-admired member of the convention was George Washington, who came as a delegate from Virginia. He had less formal education than many other delegates but he had a rich fund of experience in managing men, he saw the essentials of the problem, and his presence helped to satisfy the doubts of outsiders who reasoned that their interests were safe in his custody. Because of the universal respect he commanded, he was a very fortunate choice to preside over the proceedings and for this reason may well have been the most influential member with regard to the public at large. In the convention he generally supported the nationalist group which was headed by Madison.

THE WORK OF THE CONVENTION

(May–September, 1787)

Basic Agreements. The United States Constitution has so often been called a bundle of compromises that it is easy to overlook

the fact that the delegates had more agreements than disagreements.

POLITICAL THOUGHT. The minds of the delegates were almost uniformly nourished on the English political tradition as modified by American environment. Specific American deviations were: (1) a large number of vigorous, representative local governments, (2) a diffusion of land ownership which served to diffuse the tax load and thus gave more men the right to a voice in taxing policy, and (3) a constant influx of new men and new ideas, up to the eve of the Revolution.

AGREEMENTS ON AIMS. Only a tiny fraction of Americans of that generation questioned the theory that a basic aim of government was to protect private property. With this idea held in common, the delegates had little difficulty in assuming that some government should be able to levy taxes, regulate interstate and foreign commerce, incur and pay debts, and coin money. Since the states under the Articles of Confederation had shown themselves unable to do these things satisfactorily, it was possible for the delegates to take the next step and give these responsibilities to a central agency.

AGREEMENTS ON METHODS. Although there were many disagreements on how to achieve the proper ends of government, there were also a surprisingly large number of agreements: (1) They all desired a government stronger than the Confederation. (2) They all assumed that a republic would best meet their needs. (3) The idea of the separation of powers was easily accepted. (4) After the first few days they agreed on a single executive officer. (5) They wished to have a bicameral legislature. (6) They agreed to establish a separate system of United States courts, for which they had no precedent. (7) They took it for granted that the Constitution should be in writing.

THE IDEA OF A WRITTEN CONSTITUTION. The Americans were used to being governed by written instruments, beginning with feudal land grants and company charters. Many of these grants and charters contained political clauses, the later ones more than the earlier ones. Every colony had possessed such a basic document for at least a few years. When the social contract theory was accepted, it was easy to read it into the existing basic instrument. When the new state constitutions were written, they were often consciously drafted as social compacts. Hence, the easy acceptance of a written constitution by the delegates in 1787.

Plans Presented. When the delegates came together, several plans had been prepared for discussion.

THE VIRGINIA PLAN. Virginia offered a revolutionary plan which went beyond mere revision of the Articles of Confederation. Her delegates proposed: (1) a bicameral national legislature, (2) with representation based on taxes or population, (3) the lower house to be elected by the people, (4) the upper house to be elected by the lower house, (5) the executive (single or plural) to be chosen by both houses, (6) the executive to be eligible for only one term, (7) the executive and several judges to constitute a council of revision with a veto power, (8) a federal judiciary, and (9) the amending power to be lodged outside the legislature. This could be described as an "unconstitutional" proposal since it threw out the Articles of Confederation. Its greatest significance is that it planned to elevate the United States to a plane superior to the states.

THE PATERSON OR NEW JERSEY PLAN. It will be seen that the Virginia Plan would give the more populous states the greater strength in the legislature. In opposition to this feature, the wishes of small states were represented by the New Jersey Plan, which looked to strengthening the Articles of Confederation rather than to forming a new union. It provided (1) the equal representation of states in the legislature, (2) a plural executive, (3) a one-house legislature, and (4) one Supreme Court.

CHARLES PINCKNEY'S PLAN. Charles Pinckney presented a plan on his own behalf, but no copy has survived and it was not debated. In 1817 Pinckney tried to reconstruct his plan from memory and the resulting document was so much like the accepted Constitution that some have believed him to be the principal author of the Constitution.

HAMILTON'S PLAN. Alexander Hamilton presented a plan for a strongly centralized government with a life-tenure president who would have an unlimited veto. It was not considered by the convention. Hamilton eventually supported the Constitution because it was stronger than the Articles of Confederation, although he said, as the convention adjourned, that no man's ideas were more remote from the Constitution than his were.

Disagreements and Compromises. Despite harmony in political philosophy and many agreements on specific applications, there were also serious disagreements which could be settled only by compromises. (1) The most intense disagreement was that of the large versus the small states. It threatened to dissolve the Convention but was essentially trivial. It was settled by the so-called "Connecticut Compromise," which provided that the states be equally represented in the Senate and in proportion to population in the House of Repre-

sentatives. (2) The question whether to count slaves for purposes of representation was compromised by counting three-fifths of them. (3) The method of electing the executive was inefficiently compromised by providing the Electoral College for the purpose. (4) The problem of the slave trade was compromised by prohibiting any Congressional interference until twenty years had passed. (5) The South opposed direct federal taxes, and this was compromised by a requirement that they must be apportioned among the states according to population. In two important disagreements there was a clear victory for one side or the other: the South succeeded in getting a blanket prohibition of export taxes but failed to win its fight to require a two-thirds vote of Congress for the adoption of any foreign trade regulation.

The Branches of Government. The government drawn by the convention was composed of three branches: the executive, the legislature, and the judiciary.

THE EXECUTIVE. Early in June the delegates agreed that there should be a single executive, but five different methods of choosing him were proposed and twelve ballots were taken on this question, the last one in September. The final decision set up a strong president who had a limited veto but who could be checked by the legislature. The rather absurd Electoral College was justified by their confident expectation that one man would rarely receive a majority and that most presidential elections would be thrown into the House of Representatives. This was a reasonable view in the years before the rise of national political parties.

THE LEGISLATURE. Only Franklin opposed the bicameral legislature, and there was no debate on it. The lower house was to be elected by the people; and it was agreed that voters for the most numerous branch of the state legislature could also vote for congressmen, merely because the convention could not agree on the qualifications for voters and had to leave the matter to the states. The two-year term of the lower house was a simple average of suggestions for one-, two-, or three-year terms. The six-year term for senators was a similar compromise of suggestions for three-, seven-, and nine-year terms. The long term for senators was to provide a defense against political fads in the lower house (and thereby showed a distrust of the electorate).

THE JUDICIARY AND "JUDICIAL REVIEW." The unique, separate federal judiciary was to be appointed by the president with the consent of the Senate. Whether it was intended that they pass on the validity

of statutes in the light of the Constitution was neither specifically affirmed nor denied, but a very good case for the delegates' intention to establish the idea of "judicial review" can be made out by students of colonial legal ideas and practices.

The Relation of States and Union. To avoid the necessity for coercing any state, and thereby precipitating civil war, the "coercion of law" over individual citizens was substituted. This was done by defining the Constitution, federal statutes, and treaties as "the Supreme Law of the Land" and then by requiring that all national and state officials be sworn to support the Constitution. It is this "coercion of law" which makes the United States a true union rather than a league or confederation. Leagues and confederations, to get their way, must either coax or compel governments; the federal union operates on individual human beings.

Congress. The Constitution was not a democratic document. In a sense, the Constitution was intended to make the United States safe *from* democracy. Only one house of Congress was an organ of the people; and its programs could be safely sterilized by the Senate, which was then the organ of the state governments. Since the executive was three steps from the voters and the judiciary entirely insulated from them, whatever democratic schedule was to be observed had to take its rise in the House of Representatives, which as part of Congress had those powers enumerated for it and none other.

Adjournment. Having devised a remarkable frame of government, the most cherished in the world, the delegates referred their work to a Committee on Style (which probably made a few substantial changes according to its own lights). In order to circumvent the antipathy of local political bosses, it was resolved that ratification should be done by state conventions, the approval of nine being required. Because some individual delegates were displeased with the document and refused to sign it, a superficial unanimity was obtained by adding "Done in Convention by the unanimous consent of the States present. . . ." On September 17, 1787, the talented assemblage adjourned to enter the battle for ratification.

THE RATIFICATION CONTEST

It was not enough to write the Constitution. It was still necessary to convince thirteen states and state conventions that it should be ratified.

Opponents and Their Arguments. The Constitution was criticized adversely by farmers, debtors, and defenders of states'

rights who thought of the Constitution as establishing a remote and foreign government. People with strong sectional feeling felt that the federal government was a trap to catch taxpayers. And there was the usual constant irreducible bloc of people, as in every age, who refused to notice that new times brought new ills which required new remedies. Probably a scientifically conducted poll of public opinion would have shown a slight majority against the Constitution from 1787 to 1789. There was a geographic and therefore an economic division on the subject: federalism, rich soil, and seaports seemed to coincide; antifederalism, poor communications, and hill country appeared to correspond.

STATES' RIGHTS. It was just as difficult for many citizens to give up a portion of state sovereignty to the United States as it would be for many to give up a portion of national sovereignty to a world union in the middle of the twentieth century. One of the leading issues of the ratification contest (and of national politics ever since) was the question where to draw the line between state and national authority. The traditional answers are "loose construction" of the Constitution (by those in power) and "strict construction" (by those out of power). In the ratification contest the federalists naturally emphasized that it was to be a government of enumerated powers only, but did not satisfy the objections until the Bill of Rights confirmed it in writing.

THE CONSTITUTION "UNCONSTITUTIONAL"? According to the Articles of Confederation, as antifederalists hurried to explain, the existing union could be amended only by unanimous vote of the states, yet the Constitution provided for the abolition of the Confederation by agreement of only nine states. If this reasoning be accepted, it can only be concluded that, in 1787-1788, eleven states seceded from a thirteen-state confederation!

NO BILL OF RIGHTS. It was argued that civil liberties were unsafe under a government not specifically limited by a written list of liberties—that is, a bill of rights. The classic American bill of rights was the Virginia "Declaration of Rights." Such a bill, or an adaptation of it, was insisted upon by many who supported the Constitution as well as by its enemies. A bill of rights had been proposed in the convention and defeated, ten states to none. The defeat did not mean that the delegates opposed the natural rights theory but, rather, that they felt a bill of rights was unnecessary. Nevertheless, insistence was strong; and a bill of rights was written into the Constitution as soon as the federal government was established.

The Supporters and Their Arguments. Among the most active leaders in the ratification contest were the men who had written the Constitution. A few fought it; most supported it. They had the advantage of learning the arguments for and against every controversial clause by participating in the private debates of the Convention. Of course, each federalist felt he could have done a better job if he had not had to compromise; but, in the main, they manfully submerged their pet proposals and joined ranks against the antifederalists.

The Federalist Papers. Although the *Federalist* papers were not the decisive influence in the ratification debates, to study them is the best way for modern men and women to understand the contest. The papers were written by Madison, Hamilton, and Jay for New York newspapers in order to influence the ratification struggle there. They were collected and printed in two volumes in 1788, as *The Federalist*. By 1864 the collection had been republished in French, German, Spanish, and Portuguese and is now usually ranked as the foremost American political classic. As political tracts directed against the antifederalists, the essays developed three main points, that: (1) the Confederation was inadequate, (2) a stronger government was needed, and (3) the stronger government which had been framed was not dangerous to the people or to the states.

THEIR VIEW OF HUMAN NATURE. The authors had a generally pessimistic view of human nature, and thought that men in politics were prone to the formation of factions which were the nuclei of armed revolt. These factions arose because of differing interests (religion, economic differences, and so on). The regulation of the conflicting claims was the business of government. The authors argued that the federal union had been framed to this end, and the Senate was the peculiar organ for the reconciliation of self-interested groups because of its stability.

THE LAW AND THE JUDGES. In discussing how the legislature may be kept from encroaching on civil liberties, the *Federalist* papers came very close to the doctrine of judicial review—pointing out, first, that the judiciary could not be generally dangerous to liberty because it held neither purse nor sword, and, second, that the only practical way to preserve liberty from the legislature was for the courts “to declare all acts contrary to the manifest tenor of the constitution void” (No. 78).

RESERVED RIGHTS. The *Federalist* papers argued against the need for a bill of rights, on the following grounds: (1) The states had

their own bills of rights. (2) The Constitution already prohibited *ex post facto* laws and titles of nobility. (3) In the past, bills of rights had been in the nature of treaties between kings and their subjects; hence they were unnecessary in a republic. These arguments are very revealing. They show the typical trust in legislatures earlier manifested by the state constitutions and they show a complete misunderstanding of what tyranny a majority can impose on a minority through republican organs of government.

RE-ELECTION OF THE PRESIDENT. For the following reasons, the authors dismissed the idea that a president should not be re-elected: (1) If he served once and might not serve again, he would be dangerous because there would be no inducement for him to conduct himself so as to retain the favor of the people. (2) It would deter him from beginning long-range projects for the public benefit. (3) An ambitious man might try to prolong his term by force. (4) The country would lose the experience of the president. (5) Such a ruling might turn a president out of office in a moment of national emergency. (6) By making it necessary to elect a new president, the ruling would require by law that there be a lack of uniformity in policy whether or not the policy was desirable.

SEPARATION OF POWERS. The problem of the authors was not to convince the people that governmental powers should be divided. The people believed that already, and it was the task of the authors to convince them that the Constitution-makers had provided for such division.

THE IDEA OF FEDERALISM. In the eighteenth century "federal union" meant "confederation" or "league." Antifederalists charged that the new union was not federal but national. The authors replied (without any guiding precedent) that the union was federal in foundation (state ratification), national in operation (on individuals), federal in extent of powers (enumerated and shared), and both federal and national in its amending power. Therefore, it was neither purely federal nor purely national—but mixed. Today we call it "federal," but such type of union was new to its generation, and it is precisely this novel harmony and reconciliation of the state and national sovereignties which is the American contribution to government.

DEMOCRACY. The authors thought of "democracy" as direct government by the people, impractical except for small places, and dangerous because it had no way of preventing the growth of faction. "Republican," or representative, government was more stable because

it was indirect and less liable to fall before a temporary but popular idea.

Ratification. In the elections for delegates to the ratifying conventions the exact figures are unknown, but it has been estimated that only a quarter of the adults voted (many were barred by state election laws) and that one-sixth of the adults voted for delegates who favored the Constitution. Except for New Hampshire and Rhode Island, the small states were generally for it. The larger states were divided, and several bitter battles developed in their conventions. The following table gives the dates of ratification and the votes in the conventions.

		<i>Yes</i>	<i>No</i>
Delaware	December 7, 1787	30	0
Pennsylvania	December 12	46	23
New Jersey	December 18	38	0
Georgia	January 2, 1788	26	0
Connecticut	January 9	128	40
Massachusetts	February 6	187	168
Maryland	April 28	63	11
South Carolina	May 23	149	73
New Hampshire	June 21	57	47
Virginia	June 26	89	79
New York	July 26	30	27
North Carolina	November 21, 1789	194	77
Rhode Island	May 29, 1790	34	32

It will be seen that Rhode Island and North Carolina did not ratify until after the new union was functioning. Massachusetts, Virginia, and New York insisted that a bill of rights be appended.

POSTLUDE: THE CHARACTER OF THE AMERICAN PEOPLE

Thus the American people came from tiny beginnings to the establishment of a nation which was to be the most powerful nation in the world, with all the rights and responsibilities such a position demands. By 1789 they had not only become a political entity but also had developed a character of their own. Because they were mostly farmers, they were preoccupied with practical matters, and from this preoccupation their acquisitive instinct has grown. They were versatile, being facile in many things rather than thorough in one. Their self-reliance begot individualism, and their belief in democ-

racy was rooted in self-reliant individualism rather than in political or social theory. Along with individualism developed an unattractive national habit of lawlessness, expressed in occasional rioting or in murderous lynchings. The speed with which they overran a potentially rich wilderness—and, indeed, the very fact that they were courageous enough to uproot themselves from Europe—habituated them to restlessness and nomadic life. To take one's family into wooded acreage in the hope of turning the forest into farms requires that one be an optimist; and the extroverted optimist expressed himself by bragging while his introverted brother had a fierce idealistic fire which burned to change things for the better. The isolation of western life begot a provincialism in which was the germ of the sectionalism which almost wrecked the nation in the 1860's and which as late as the 1930's made international isolationism the popular foreign policy of the United States. The vast wealth of the wilds made the Americans the most wasteful farmers and exploiters of resources in recorded history. From all these traits they grew naturally to favor utility over beauty, practice over theory, doing over thinking, and they became absorbed in the game of being the most industrious people of the world.

TOPICS FOR FURTHER STUDY

1. Prepare an account of the Virginia-Maryland and Annapolis conventions of 1785 and 1786.
2. What were the activities in the Philadelphia Convention of one of the following: Washington, Franklin, Madison?
3. What are the principal sources for our knowledge of the Philadelphia Convention? Evaluate them.
4. What was Hamilton's plan of government in 1787?
5. How do you account for the distrust of democracy in the United States in the 1780's?
6. Describe the ratification contest in one of the following states: Massachusetts, Virginia, Pennsylvania.

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A DECLARATION

BY THE REPRESENTATIVES OF THE UNITED STATES
OF AMERICA IN GENERAL CONGRESS ASSEMBLED

July 4, 1776 *

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

* Spelling, punctuation, and capitalization have been modernized.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring

province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states: that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as

free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

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CONSTITUTION OF THE UNITED STATES*

Adopted September 17, 1787
Effective March 4, 1789

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be

* Spelling, punctuation, and capitalization have been modernized.

entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4. 1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing

for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.
4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.
5. No tax or duty shall be laid on articles exported from any State.
6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.
7. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the

Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the

period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation: — “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SECTION 2. 1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And

the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

[Names omitted]

AMENDMENTS

First Ten Amendments passed by Congress September 25, 1789.

Ratified by three fourths of the States December 15, 1791.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

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