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British Mercantilism over Virginia

Rule in the European governments of the seventeenth century was exercised, not only by the great landowners—through feudalism—but also by groups of merchants and capitalists specially privileged and subsidized by the state, in the system that later came to be known as “mercantilism.” The essence of mercantilism was the granting or selling of monopolistic privilege and subsidy by the state to favored groups of businessmen. Thus, Crown, feudal nobility, and privileged capitalists exercised rule over the exploited remainder of the populace—which included the bulk of merchants and capitalists who sought profit by voluntary service in the marketplace rather than by obtaining privileges from the coercive power of the state.

From the beginning, government meddling—especially by the English government—fastened the mercantile system on the American colonies. As early as 1619, the Crown imposed a duty of one shilling per pound of tobacco imported by the Virginia Company and in 1622 prohibited any tobacco from being grown in England or Ireland. The motivation for the latter act was not to benefit Virginia, but to increase the revenue seized by the Crown: domestic tobacco producers, after all, paid no customs duty. In 1621 the Crown indeed delivered a grave blow to the company and to Virginia by prohibiting the colonists from exporting tobacco (or any other commodity) to any foreign country without first landing in England and paying customs duty there. It was in vain that the company protested that other English subjects and companies were allowed to sell their goods in the best markets, that the edict would cripple the tobacco-cattle trade with Ireland, that many Virginia products were not salable in England.

The sweetener for the company in this network of restriction was the granting, in 1622, to the Virginia Company of the monopoly privilege of importing tobacco into England and Ireland. The supposedly liberal Sir Edwin Sandys had led the intracompany fight to accept the monopoly, and he and his faction were appointed to manage the monopoly, at extravagant salaries.

In the period of the republic, Parliament—as we have seen hardly reluctant to impose mercantile restrictions for the benefit of merchant groups—began the famous series of Navigation Acts. In 1650 it outlawed foreign ships from trading in the colonies without a license, thus striking a blow at efficient Dutch shipping. The following year, it decreed that no goods from Asia, Africa, or America could be imported into England or its colonies except when the owner and most of the crew were English or English-American. It also prohibited imports of foreign goods in *entrepôt* trade—from countries where the product did not originate, prohibited the importation of fish by aliens, and outlawed all participation of foreign ships in the English coastal trade.

These were blows to the efficiency and prosperity of interregional trade, and to the property, actual and potential, of the colonies, all for the special privileges accorded to inefficient shipowners. To enforce these sweeping prohibitions required a bureaucratic apparatus mighty for the time and place, including a network of paid government informers. So strict was the enforcement that not enough English vessels existed to replace the outlawed Dutch shipping, and grave complaints of shortages spread throughout the English colonies in the Americas—including the West Indies. The rebellious Virginia Assembly asserted in 1655 that freedom of trade would be maintained, and demanded that sea captains pay bond not to molest Dutch or other foreign shipping.

England, however, continued to tighten its mercantile restrictions, especially after monarchical rule had been restored. Thus, the Navigation Act of 1660 provided that no goods whatever could be imported into or exported from any English colony except in English-owned ships (of which at least three-fourths of the crew must be English), and compelled certain important enumerated colonial products (including tobacco) to be shipped only to England—thus outlawing colonial export trade in these goods to any other country. All ships leaving the colonies were required to give bond that they would not ship the goods elsewhere. The Navigation Act of 1662 extended these privileges: all future ships not built in English shipyards were now to be excluded from this colonial trade.

The mercantilist structure of the Navigation Acts was completed in 1662 with the exclusion of all European goods (except for a few commodities) from the colonial market except as shipped from English ports and in English-built ships. Colonial governors were charged with the responsibility of enforcement of the navigation laws, but in practice the power was delegated to a naval officer appointed in England.

The navigation laws continued to be tightened still further. The Navigation Act of 1673 moved against the attempt of the planters to maintain some of their tobacco trade by selling to other colonies. The act placed a prohibitive tax of one penny on each pound of tobacco shipped from one colony to another, and appointed customs commissioners to collect the duty. This act crippled the flourishing tobacco trade with New England. More sweeping was the Navigation Act of 1696, which confined *all* colonial trade to English-built ships, enlarged the powers of the colonial naval officers, and gave the provincial custom officers the right of forcible entry, which they already enjoyed in England. The act led to the establishment of vice admiralty courts in the colonies to enforce the regulations. Operating under Roman law, a vice admiralty court could try and convict without having to submit the cases to colonial juries, which were almost unanimous in their sympathy with any arraigned smugglers.

We have mentioned the drastic fall in the prices of tobacco in the seventeenth century. Much of this drop was due not to the great expansion of the Virginia tobacco crop, but to the Navigation Acts and their smashing of the export market for tobacco in Holland and other countries in Europe. Before the Navigation Acts, the Dutch had paid three pence per pound for Virginia tobacco; after the acts, the tobacco price had fallen to half a penny per pound by 1667. The fall was aggravated by the heavy losses of the English tobacco fleet in the wars with Holland (the Dutch wars of 1664–67 and 1672–73). To offset the crisis, Virginia turned to domestic mercantilism: compulsory cartels to raise tobacco prices. But since such an increase could only be accomplished by coerced restrictions on tobacco acreage, this meant that tobacco markets were not being widened, and prosperity could not be restored to the colony as a whole. In a compulsory tobacco cartel, some tobacco producers could only benefit at the expense of others, and of the rest of the colony's population. In brief, quotas based on existing production must privilege the inefficient grower and the large grower about to fall behind in the competitive race, and discriminate against the efficient, and the new up-and-coming planters. In the "Plant-Cutting Riots" of 1682, the planters benefiting from the quotas organized bands of vandals to go from plantation to plantation destroying the tobacco crop.

The protection from foreign competition accorded by the Navigation Acts to British shippers not only ruined the Virginians' tobacco market (and that of neighboring Maryland's planters as well); it also raised the prices of the gamut of imported goods now confined to British ships. Thus, Virginians suffered doubly from the imperial restrictions.

English enforcement of the Navigation Acts was unfortunately rigorous, especially in the Southern colonies. Three wars of aggression against the Dutch between 1652 and 1675 drove the Dutch—the more efficient of England's competitors—out of the Chesapeake trade. The very geography of the Chesapeake Bay area made enforcement easy: the English navy

needed only to control the narrow entrance of the bay to keep foreign ships from buying or selling to the Virginia or Maryland plantations.

Thus, the English orientation of Virginia trade and finance was compelled by the Navigation Acts, which gravely injured Virginians and retarded Virginia development. Furthermore, the canker of slavery was also due partly to the Navigation Acts. The economic pressure of the acts on the planters led them to look to slavery as a way to cut costs by exploiting forced labor. Moreover, the English government forbade Virginia from restricting the infamous slave trade, the monopoly of which had by the wars against the Dutch been assured to British traders.

John Bland, a London merchant who had traded with the Dutch in Virginia tobacco, presented the excellent case of the Chesapeake planters against the Navigation Acts—but, unfortunately, to no avail.

Added to the devastation caused by the Navigation Acts was the burden of increased taxes. In addition to the crippling penny a pound on all coastal tobacco trade imposed in 1673, the hated poll tax was reimposed. In his first years of rule, Governor Berkeley had abolished the poll tax, which, being levied equally on all, particularly burdened the poorer strata of the population. In 1674, however, when Berkeley reintroduced the poll tax, a number of farmers assembled with their arms in Kent County to prevent collection of the new taxes, by force if necessary. This incipient tax rebellion was dispersed upon Berkeley's proclamation that tax rebels would be accounted guilty of treason and punished accordingly.

Greatly adding to the grievances of most Virginians was the steady accumulation, ever since his reappointment, of absolute rule in the hands of Governor Berkeley and his clique of allies in the great planter oligarchy. No sooner was he reappointed governor than Berkeley seized control of the House of Burgesses: he filled the seats with his own henchmen and repudiated the Virginia tradition of frequent elections. In fact, he refused to call any election for the House of Burgesses from 1661 on, and only called meetings of the Assembly at his pleasure. Any recalcitrant burgesses were bribed with public offices, all of which were appointed by the governor. Berkeley's absolute control of the Council—always dominated by the governor—was assured by the fact that the bulk of the councillors were allowed to die without being replaced, were not called together, or were out of reach. Now Berkeley was in full control of both houses of the Assembly. In 1670 Berkeley and the Assembly further tightened oligarchic control by taking the franchise away from nonlandowners. Berkeley also assumed supreme judicial power as president of the General Court of the colony. Oligarchic control by the leading planters over local government was further tightened; the vestries, for example, became self-perpetuating local governing bodies. County courts, made up of the great planters, met in secret to impose the county levy, which more and more placed tax burdens on the poor. Exorbitant fees were paid to sheriffs, clerks, and other local officials out of these taxes, and there was considerable graft

involved in the heavy expenditures needed to construct forts westward on the rivers.

Power is always used to acquire wealth, and here was no exception. Berkeley and his allies granted themselves the best lands, most of the public offices, and a monopoly of the lucrative fur trade with the Indians. Another of Berkeley's tyrannical actions was to have the Assembly re-establish the Anglican church, and also to bring pressure for a governmental college that would include Anglican teaching of the youth.

Whenever anyone in the American colonies in the seventeenth century decided to embark on a policy of tyranny and religious persecution, the first group to bear the brunt was usually the hapless Quakers—of all sects the least devoted to idolatry of church or state. Upon embarking on the dictatorial rule of his second term, Governor Berkeley did not hesitate to revive the old laws against Dissenters, and naturally concentrated on the handful of Quakers. An English Quaker, George Wilson, upon arriving at Jamestown in 1661, was thrust into a dungeon, scourged, and kept in irons until death. While dying, he wrote, in a truly saintly manner: "For all their cruelty I can truly say, Father, forgive them, they know not what they do." The previous year 1660, the Assembly had passed an act outlawing "an unreasonable and turbulent sort of people commonly called Quakers . . . [who are] endeavoring . . . to destroy religion, laws, communities and all bonds of civil society." Apparently these "bonds of civil society" were to rest, not on voluntary consent, but on the dungeon and the torture rack.

In 1662 Berkeley decreed heavy fines on any Nonconformists who refused to have their children baptized, and threatened to exile any ship masters who brought any Dissenters into the colony. The next year two Quaker women entered Virginia, spreading the message in the colony. The two, Mary Tomkins and Alice Ambrose, were imprisoned and inflicted with thirty-two lashes from a whip of nine cords. After this their property was seized and they were expelled from Virginia.

It stands to reason that a man with this sort of attitude toward religious liberty and search for truth should be vehemently hostile toward education, freedom of inquiry, and individual and collective search for the truth. We are fortunate to have on record, however, a classic statement by Berkeley, revealing the despot's fury toward learning and free inquiry. When asked in 1671 by the Crown what he had been doing to instruct the people in the Christian religion, Berkeley, in the course of his answer, declared: "I thank God, *there are no free schools* nor *printing* and I hope we shall not have these hundred years; for *learning* has brought disobedience, and heresy and sects into the world, and *printing* has divulged them, and libels against the best government. God keep us from both!" Learning and culture apparently were to be reserved to the safe hands of the ruling class, and were not to be permitted the ruled, who might learn enough to want to cast off their chains.

The inherent conflicts within Virginia's society, as well as between Virginia and England, were further aggravated by an enormous land grant made by Charles II to Lord Hopton and a group of his friends, including Berkeley's brother, Sir John, in 1649. This was a grant of over five million acres, constituting the partially settled Northern Neck of Virginia between the Potomac and Rappahannock rivers. The Hopton grant was assigned to Lord Culpeper in 1689. Even more startling was the joint proprietary grant of *all* Virginia in 1673 to two royal favorites, Lords Arlington and Culpeper, for a term of thirty-one years. The latter grant generated fierce opposition in Virginia because, for one thing, the Crown had been collecting the quitrents on Virginia lands in haphazard fashion, whereas Lords Culpeper and Arlington could be expected to make the best out of their feudal grant. The new proprietors were given the power to establish churches and schools, to appoint ministers and teachers. And they were given the power to appoint the sheriffs and other officers to grant lands and to create towns and counties.

Suddenly the Virginians were now confronted with the specter of absolute proprietary feudal rule, as well as the deprivation of all their liberties and their considerable measure of home rule. Indeed, no guarantees for the rights of Virginians were included in the Arlington-Culpeper grant.

The alarmed Assembly met the following year (1674) and protested that the grants would threaten the rights of the people, impose upon them new rents and dues, new grants and levies, and deprive them of the present protection of their rights and properties. The Virginians insisted that they wanted no privileged proprietors, whether individuals or chartered company, standing between them and the Crown and exploiting them still more. At heavy expense the Assembly sent commissioners to London to ask for removal of the grant. The negotiators eventually persuaded Lords Arlington and Culpeper to abandon all claims on the colony except quitrents and escheats (revenue from intestate estates). Pressures by the indignant Virginians had ended the threat of proprietary government over the Virginia colony.

In the course of the negotiations, the commissioners and the two proprietors agreed that Virginia should buy back the vast Northern Neck grant for £400 to each proprietor, and that the quitrents on the remaining lands should continue to be paid to the Crown, thus ending feudal quitrents in the colony. The proprietary grant of 1673 was to be revoked and no further grants made without consulting the Virginia Council.

A new liberal charter in preparation would have provided that the governor and the members of the Council of Virginia must be residents of the colony and that no taxes could be imposed on Virginia without consent of the House of Burgesses. The charter drawn up by the king's solicitor-general declared that the taxation provision "contains that which we

humbly conceive to be the right of Virginians, as well as all other Englishmen, which is, *not to be taxed but by their consent, expressed by their representatives.*" Unfortunately this new charter was blocked upon the outbreak of rebellion in Virginia in 1676.

Neither did the losses suffered by Berkeley's administration in the Dutch War, during 1673, endear the government to the people of Virginia. One of the principal motives of the aggressive English war against the Dutch, beginning in 1672, was to drive the Dutch out of the Virginia trade. The Dutch attacked Virginia and succeeded in sinking eleven Virginia merchantmen laden with tobacco. Neither the war nor the losses were calculated to gain the support of the populace; indeed, many Virginians oppressed by English rule welcomed the Dutch invasion and the prospective shift of sovereignty to the Netherlands.

If we consider then the situation in Virginia in the mid-1670s we can see the accumulation of grievances and the aggravation of conflicts: the sudden feudal proprietary grant of all Virginia to Lords Arlington and Culpeper in 1673; the exclusive landed property franchise in 1670; the reimposition of the poll tax in 1674, and the general increase in taxation; and the establishment of tight rule by the Berkeley clique. To these we might add Berkeley's persecution of the Dissenters, virtually driving them out of the colony.

Hints of revolt and mutiny against Berkeley began to emerge in the 1670s. On December 12, 1673, fourteen people met at Lawnes Creek Parish Church in Surry County to protest against excessive taxation and to insist that they would thereafter refuse to pay their taxes. Here was one of the first tax rebellions, or organized refusals to pay taxes, in America. On January 3, the very day that Berkeley's judges issued a writ to haul the fourteen into court for "sedition," the group met again in a field and one of their leaders, Roger Delke, declared that "we will burn all before one shall suffer." Berkeley lost no time in hauling the rebels into court where Delke explained that they had met "by reason their taxes were so unjust, and they would not pay it." Very heavy fines were levied on the protesters, especially on the main leader of the Surry tax protest, Matthew Swan, who continued to insist that the taxes were unjust. Proceedings against Swan lasted longer than against the others, and in April 1674 Swan was brought before the Council and General Court of Virginia for his "dangerous contempt and unlawful project and his wicked persisting in the same." Berkeley was forced, however, by popular resentment at the treatment accorded the tax rebels, to remit all the fines some months later.

Many of the tax strikers were prominent landowners of the county. Matthew Swan was possibly related to Colonel Thomas Swann, a member of the Council; Delke's father had been a member of the House of Burgesses. Several other protesters were related to former burgesses,

and one was a relative of one of the judges issuing a writ for their arrest. Furthermore, a near uprising was called off in 1674 and two mutinies occurred in the following year. All in all, the stage was set for one of the most important American armed rebellions against English authority in the colonial era: Bacon's Rebellion of 1676.

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Mercantilism, Merchants, and “Class Conflict”

The economic policy dominant in the Europe of the seventeenth and eighteenth centuries, and christened “mercantilism” by later writers, at bottom assumed that detailed intervention in economic affairs was a proper function of government. Government was to control, regulate, subsidize, and penalize commerce and production. What the *content* of these regulations should be depended on what groups managed to control the state apparatus. Such control is particularly rewarding when much is at stake, and a great deal *is* at stake when government is “strong” and interventionist. In contrast, when government powers are minimal, the question of who runs the state becomes relatively trivial. But when government is strong and the power struggle keen, groups in control of the state can and do constantly shift, coalesce, or fall out over the spoils. While the ouster of one tyrannical ruling group *might* mean the virtual end of tyranny, it often means simply its replacement by another ruling group employing other forms of despotism.

In the seventeenth century the regulating groups were, broadly, feudal landlords and privileged merchants, with a royal bureaucracy pursuing as a superfeudal overlord the interest of the Crown. An established church meant royal appointment and control of the churches as well. The peasantry and the urban laborers and artisans were never able to control the state apparatus, and were therefore at the bottom of the state-organized pyramid and exploited by the ruling groups. Other religious groups were, of course, separated from or opposed to the ruling state. And religious groups in control of the state, or sharing in that control, might well pursue not only strictly economic “interest” but also ideological or spiritual ones,

as in the case of the Puritans' imposing a compulsory code of behavior on all of society.

One of the most misleading practices of historians has been to lump together "merchants" (or "capitalists") as if they constituted a homogeneous class having a homogeneous relation to state power. The merchants either were suffered to control or did not control the government at a particular time. In fact, there is no such common interest of merchants as a class. The state is in a position to grant special privileges, monopolies, and subsidies. It can only do so to *particular* merchants or groups of merchants, and therefore only at the expense of other merchants who are discriminated against. If X receives a special privilege, Y suffers from being excluded. And also suffering are those who would have been merchants were it not for the state's network of privilege.

In fact, because of (a) the harmony of interests of different groups on the free market (for example, merchants and farmers) and (b) the lack of homogeneity among the interests of members of any one social class, it is fallacious to employ such terms as "class interests" or "class conflict" in discussing the market economy. It is only in relation to *state* action that the interests of different men become welded into "classes," for state action must always privilege one or more groups and discriminate against others. The homogeneity *emerges from* the intervention of the government in society. Thus, under feudalism or other forms of "land monopoly" and arbitrary land allocation by the government, the feudal landlords, privileged by the state, *become* a "class" (or "caste" or "estate"). And the peasants, homogeneously exploited by state privilege, also become a class. For the former thus constitute a "ruling class" and the latter the "ruled."* Even in the case of land privilege, of course, the extent of privilege will vary from one landed group to another. But merchants were not privileged *as a class* and therefore it is particularly misleading to apply a class analysis to them.

A particularly misleading form of class theory has often been adopted by American historians: inherent conflicts between the interests of homogeneous classes of "merchants" as against "farmers," and of "merchant-creditors" versus "farmer-debtors." And yet it should be evident that these disjunctions are extremely shaky. Anyone can go into debt and there is no reason to assume that farmers will be debtors more than merchants. Indeed, merchants with a generally larger scale of operations and a more rapid turnover are often heavy debtors. Moreover, the same merchant can

*The differences between the Marxian attribution of "classes" to the market, and the confining of the concept to the "caste" or "estate" effects of state action, have been brilliantly set forth by Ludwig von Mises. See his *Theory and History* (New Haven: Yale University Press, 1957), pp. 112ff; and *Socialism* (New Haven: Yale University Press, 1951), pp. 328ff. Contrast the confusion in Lenin's attempt to defend the Marxian jumble of estate and non-estate groups by the same concept of class. See V. I. Lenin, "The Agrarian Programme of Russian Social-Democracy," *Collected Works* (Moscow: Foreign Languages Publishing House, 1961), 6:115.

shift rapidly from one point of time to another, from being a heavy net debtor to net creditor, and vice versa. It is impermissible to think in terms of fixed persisting debtor classes and creditor classes tied inextricably to certain economic occupations.

The merchants, or capitalists, being the peculiarly mobile and dynamic groups in society that can either flourish on the free market or try to obtain state privileges, are, then, particularly ill-suited to a homogeneous class analysis. Furthermore, on the free market no one is fixed in his occupation, and this particularly applies to entrepreneurs or merchants whose ranks can be increased or decreased very rapidly. These men are the very opposite of the sort of fixed status imposed on land by the system of feudalism.

PART II

Enforcement of Mercantilism

This is from the third volume.

The events described here constituted the tensions that led to the war for independence.

Mercantilism was part of all the British colonies, but in what was called the "policy of salutary neglect" mercantilistic laws were generally not enforced until the years leading to the war.

5

Writs of Assistance in Massachusetts

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

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

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

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

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

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

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

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

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The White Pine Act

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

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

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

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Molasses and the American Revenue Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8

Reaction in Massachusetts

The news of the new Revenue Act reached America in early May 1764 and provoked a storm of protest in the northern and other colonies, especially in trade-conscious Boston. A Boston town meeting on May 15 quickly appointed a committee to draw up Boston's instructions to its four representatives in the Massachusetts House. The committee's instructions, approved rapidly at the next meeting, were drawn up by the great popular leader of the Massachusetts liberals, Sam Adams. Adams threw down the gauntlet on constitutional and libertarian principles as well as on the pragmatic consequences of the crippling restrictions. He boldly denied *any* right of Parliament to tax the colonies. Adams warned: "For if our trade may be taxed why not our lands? [an appeal to the farmers of Massachusetts]. Why not the produce of our lands and every thing we possess or make use of? This we apprehend annihilates our charter right to govern and tax ourselves—it strikes at our British privileges. . . ." Adams also called for uniting the efforts of protest of the other American colonies.

The Massachusetts legislature promptly organized two committees, each dominated by their Boston members. One committee, headed by James Otis, instructed Massachusetts' London agent to urge repeal of the American Revenue Act, and wavered between a principled denial of the right of Parliament to tax the colonies, and a call for reduction in the molasses tax to a penny a gallon. The Massachusetts House sent this protest along with an essay by the great leader of the Boston liberals, the lawyer James Otis, Jr. The essay, "The State of the Rights of the Colonies," implied an immunity of the colonies from parliamentary taxation, and grounded its argument not only on the Magna Carta but also on common law and on "The laws of Nature and of

Nations, the Voice of Universal Reason, and of God." The other House committee sent a circular letter at the end of June to the other colonies, urging a united colonial protest.

A few weeks later, James Otis published an expanded version of his thesis titled *The Rights of the British Colonies Asserted and Proved*, stressing citations to John Locke, as well as to the international law-theorists Hugo Grotius, Samuel Pufendorf, and Emerich de Vattel. Again Otis's arguments were partially self-contradictory; at some points he stressed the constitutional right "to be free from all taxes but what [an English subject] consents to in person, or by his representative," as well as the invalidity of acts contrary to natural law; at other points he upheld the absolute power of Parliament to legislate for the general good of the empire. But in the pamphlet Otis stressed that government derived its powers from the people. Should a government violate rather than protect the natural rights of the people to their life, liberty, and property, Otis emphasized, then it could be overthrown by the people. Otis also condemned the abrogation of trial by jury, admiralty courts, restrictions on colonial trade, the discriminatory treatment of colonial troops during the war, and Negro slavery. Later in the summer, another Boston representative, the lawyer Oxenbridge Thacher, published a similar pamphlet, *Sentiments of a British American*. Thacher protested the various enforcement provisions in the Revenue Act, and again denounced the violations of the basic English right of taxation only by consent of one's representatives.

In the fall, the Massachusetts House held a special session called at the behest of Otis, Thacher, and the other Boston delegates. It approved and addressed to England a claim of exemption from any parliamentary taxes for revenue, on the essentially British right of no taxation without representation. The conservative Council, however, declined to approve, and a compromise address confined the protest to pragmatic grounds, implying that Parliament *did* have the right to impose "external" taxes on the colonies, and only denying its right to levy direct "internal" taxation. This was a grave retreat from principle, since all previous English "taxation" of trade had been designed for regulation rather than for revenue.*

The way was now, unfortunately, open to unlimited taxation of American trade. The person responsible for weakening the Massachusetts stand was Thomas Hutchinson, lieutenant governor, chief justice, councillor, and head of the "Court Party" oligarchy in Massachusetts. Hutchinson understood the issue clearly enough, but he imposed a distinction between internal and external taxation that he knew to be unsound, for fear of jeopardizing his position as royal favorite in Massachusetts. In addition, the pernicious influence of

*Indeed, in 1764, before the Revenue Act came into force, gross annual revenue from all the trade acts on the colonies amounted to less than two thousand pounds a year, while the cost of collecting it totaled over seven thousand pounds.

Richard Jackson helped to sabotage Massachusetts' stand on principle. It was Jackson, in fact, who propounded the spurious distinction between internal and external taxation. Jackson was undoubtedly motivated in his advice to the colonists by his powerful post as secretary to the British prime minister.

Despite the crucial role played by Otis and especially by Adams in triggering colonial protest at the Sugar Act, the radical liberal party in Massachusetts suffered troubles by early 1765. For one thing, Boston, the center of radical liberalism in the province, was grievously underrepresented in the Massachusetts Assembly. The House was represented by the *number* of towns rather than by population, and as a result the disproportion against populous Boston grew ever greater as the colony expanded and more towns arose in western Massachusetts. In this period, Boston had only four representatives out of 120 in the House. Moreover, rural Massachusetts had not been really aroused against British tyranny. In fact, western Massachusetts was then dominated by such leading Tories as Colonel John Murray of Rutland, the largest landowner in Worcester County, and by Colonel Timothy Ruggles of Hardwick, another leader of the Court Party.

9

Reaction in Rhode Island and Connecticut

As the Revenue Act was being passed, Colonel Eliphalet Dyer of Windham, a member of the Connecticut Council, attacked the revenue bill for supporting a standing army, and called on the colonies to unite in protest. If they failed to do so, they may "bid farewell to freedom and liberty, burn their charters, and make the best of thralldom and slavery. For if we can have our interests and estates taken away, and disposed of without our consent . . . and by those whose interests as well as inclination it may be to shift the burden off from themselves under pretense of protecting and defending America," then England can insist on America's paying the expenses of any wars, past or present.

Connecticut's legislature of May–June 1764 appointed a protest committee that included Governor Thomas Fitch. The committee's address to England, approved by the legislature in October, strongly protested the molasses tax, but again it retreated from principle to the artificial distinction between internal and external taxation. Once again Connecticut's perfidious London agent, Richard Jackson, was instrumental in ensuring a suitably weak stand in the colonies.

Rhode Island, with its large interest in trade, took a similar but a more bitter stance toward the molasses tax. In July the legislature chose a committee to confer with other colonies on protesting the tax. The committee included the merchant Nicholas Brown and was headed by Governor Stephen Hopkins. Hopkins, a prominent storekeeper and popular politician, had founded the *Providence Gazette*, and as early as January had written an "Essay on the Trade of the Northern Colonies," urging united colonial action for repeal of

the old Molasses Act. The Hopkins committee, however, took no action until instructed by the legislature in September to confer with neighboring colonies. The committee then wrote to other colonies, significantly suggesting an intercolonial conference to launch a united protest. In October the legislature also appointed a committee to frame a protest, and sent it to England the following month along with a draft of Governor Hopkins' pamphlet *The Rights of the Colonies Examined*. The address and the Hopkins pamphlet strongly protested the trade restrictions and enforcement provisions of the Revenue Act, but explicitly denied only the right of Parliament to levy *internal* taxes. However, both Hopkins and the Assembly went beyond other colonies by denying the right of Parliament to legislate for the colonies except for the general good of the whole empire. The Hopkins pamphlet was popular in America and was soon reprinted in every colony; the radical *Massachusetts Gazette* hailed it as a pamphlet that "breathes a true spirit of liberty."

The following February, however, the Hopkins essay was attacked in a pamphlet by Martin Howard, Jr., a leading Rhode Island Tory, who invoked the "transcendent" sovereignty of Parliament. Under pressure, Hopkins retreated from his denial of the right of Parliament to pass laws governing America, and also hinted that colonial representation in Parliament after the manner of Scotland would remove colonial grievances.

Not only was Hopkins pressed into retreat; so too was James Otis of Massachusetts. In March 1765, Otis, in *A Vindication of the British Colonies*, attempting to defend Hopkins, wound up retreating to a repudiation of his own pamphlet of a few months earlier. Otis's virtual surrender to Howard was soon completed in another pamphlet, *Brief Remarks*. But in the same pamphlet, Otis lashed out in bitter and hard-hitting denunciation of Howard and his small but powerful clique of Tories, known as the Newport Junto. Otis attacked the Junto as that "little, dirty, drinking, drabbing, contaminated knot of thieves, beggars, and transports, or the worthy descendants of such . . . made up of Turks, Jews, and other Infidels, with a few renegade Christians and Catholics. . . ."

The formation of the Newport Junto in late 1764 was undoubtedly one of the reasons for Governor Hopkins' precipitate retreat from liberal principle. The Junto had had the gall to petition England for revocation of Rhode Island's precious liberal and self-governing charter. Leader of the Tory Junto was Martin Howard, Jr., an Anglican lawyer, the son of a Newport town councillor, and a delegate to the abortive Albany Congress of 1754. Samuel Hall, printer of the *Newport Mercury*, one of the two newspapers in the colony, supported the Junto and made his paper a spokesman for Junto views. Other leading members were Dr. Thomas Moffat of Edinburgh; George Rome, an agent and debt collector for an English mercantile firm; probably Augustus Johnston, attorney general of Rhode Island; and the king's officers

in the colony, especially John Robinson and his roommate, Lieutenant Benjamin Wickham. The Junto called for strict Crown control over fractious and democratic Rhode Island and for suppression of the abusive protests against English measures.

The citizens of Rhode Island were understandably incensed at the Junto and at Howard's pamphlet against Hopkins. Freedom of speech and press was hardly purely upheld in eighteenth-century America, and Deputy Governor Joseph Wanton, Jr. urged the Assembly to move against the Tory pamphlet and its printer. Fortunately, the Assembly voted down the zealots. The superior court, under Governor Hopkins' control, did call up and intimidate the printer Samuel Hall for a while, but did nothing further. Hall's *Mercury*, in reply, thundered that liberty of the press and freedom itself were in grave danger.

Rhode Island and Connecticut were uniquely fortunate; both had democratically elected executives and therefore were free of an appointed oligarchy of royal officials, their friends, and their favorites. In Rhode Island, the Newport Junto had nuisance value but not political power. Instead, Rhode Island was torn between two political factions, both of which were relatively liberal and opposed to British exactions. One faction was led by Stephen Hopkins of Providence and the other by Samuel Ward of Westerly, in south Rhode Island.

Historians have unfortunately woven around the Ward-Hopkins controversy the neo-Marxian myth that the two sides waged a class struggle, the Hopkins group representing the "radical farmers" and the Ward faction the "conservative merchants." Actually both parties had similar liberal principles and both were equally democratic in a highly democratic colony—where nearly eighty percent of the adult males were eligible to vote. In addition to personal disputes, the two factions roughly represented sectional interests: the Hopkins forces represented Providence and the north, and the Wardites, Newport and the south. The controversy was *sectional* but not *class*; each group represented a similar economic congeries of agriculture, trade, and finance. This should not be surprising when we remember that *on the market*, farmers, merchants, and financiers are not in conflict or even competitive with each other; each occupational group is interdependent, and together they form a harmoniously integrated network of production and exchange, each benefiting from the others' activities. Competition, not conflict, existed between two such commercial complexes as rising Providence and relatively declining Newport. Both factions, then, were interclass. Thus Hopkins was backed by the influential Brown brothers, leading merchants of Providence, and by the wealthy and aristocratic Wantons of Newport. Samuel Ward, on the other hand, was a farmer and small-town merchant who was no more wealthy than his rival, Hopkins. As Professor Lovejoy puts it: "Farmers and merchants

alike supported Ward or Hopkins for reasons not directly related to the position either candidate or voter held in society.”*

What then did the Hopkins and Ward groups quarrel about? About the essentials of government in any era or any country: allocation of the privileges to be derived from government, and of the burdens to pay for these privileges. The essence of government is an exploitative rob-Peter-to-pay-Paul process, and the jockeying of factions is to become as much of the Paul and as little of the Peter as possible. The perquisites of government in the Rhode Island of that day were largely: public funds for bridges, lighthouses, schools, and public works; letters of marque to allow ships to be privateers upon the enemy (during wartime); grants of monopolies to businesses; and grants of permission to businesses to build dams, or to towns to hold lotteries.

Particularly important was the allocation of the tax burden. When the Hopkins faction came to power, the colony's taxes fell more heavily upon the southern towns and more lightly on the northern; and the reverse was true when the Ward group was in the saddle. A general atmosphere of local rebellion against taxation then began to permeate the colony. The northern towns began to refuse tax payments during a Ward regime, and the southern towns became delinquent during a Hopkins period. Each set of towns could wait for an *ex post facto* vindication when political fortunes would change. Seeing this, the towns of the factions *in* power began to take advantage of the situation and quietly cease to pay. As a result, tax refusal and tax delinquency permeated Rhode Island. Here was a particularly strong reason for Rhode Island's bitter resistance to the prospect of parliamentary taxation. The Rhode Islanders were paying very little colonial taxes at all, and neither the Ward nor the Hopkins faction had any wish to disturb this idyll by becoming subject to levies from England.

*David S. Lovejoy, *Rhode Island Politics and the American Revolution: 1760-1776* (Providence: Brown University Press, 1958), p. 14. See also Mack E. Thompson, "The Ward-Hopkins Controversy and the American Revolution in Rhode Island: An Interpretation," *William and Mary Quarterly* (July 1959): 363-75.

10

Reaction in New York

Neither was New York laggard in protesting the molasses tax. The New York Assembly appointed a committee in September 1764 to draft a protest against infringing the right to be taxed only by consent. The Assembly approved the committee's statement the following month and, unlike Massachusetts, Connecticut, and Rhode Island, made absolutely no concessions to a supposed expediency. The historian Bernhard Knollenberg justly called the New York Assembly's addresses (one each to the Houses of Commons and Lords, and the king) "among the great state papers of the pre-revolutionary period."* Thus the Assembly's "Remonstrance and Petition" to the Commons took its stand against taxation without representation squarely on the *natural right* of private property. The exemption from such taxation was not simply a privilege but a "natural right of mankind . . . a Right . . . inseparable from the very idea of property, for who can call that his own which can be taken away at the pleasure of another?" The petition expressly repudiated the artificial distinction between internal and external taxation, since "all impositions, whether they be internal taxes, or duties paid for what we consume, equally diminish the estates upon which they are charged."

The New York petitions were prepared by three New York City lawyers, the liberal leaders of New York: John Morin Scott; William Smith, Jr., who wrote the drafts; and the eminent liberal William Livingston, the leading theoretician. As early as March, Livingston had written of his implacable hostility to the "deep-formed and steadily prosecuted plan of the British ministry . . . to reduce us by degrees to perfect vassalage." A judiciary appointed by the Crown, "a standing army among us (a measure absolutely inconsistent

*Knollenberg, *Origin of the American Revolution*, p. 205.

with civil liberty),” “and . . . now . . . the crushing the trade of North America in such essential articles, as must . . . [reduce] us to beggary. Should they also carry another favorite point . . . subjecting us to the payment of the national tax, we should certainly . . . envy the superior political happiness of the French. . . .”

The boldness and daring of New York's action was undoubtedly traced to the shock of a recent message by Governor Cadwallader Colden, ordered by the Board of Trade. Colden urged the unilateral annulment of a huge land grant of eight hundred thousand acres that had been given by Governor Cornbury to thirteen grantees in 1708. Underlying Colden's urging was a threat of further parliamentary coercion to annul the grant. By 1764, ownership of this tract—the Kayaderosseras grant, between the Hudson and Mohawk rivers—was widely distributed through all the leading families of New York Province. The sudden suggestion for abrogation of the grant, almost a half-century later, came as a severe blow to New Yorkers, who also scented a precedent for other reevaluations of land titles. The questioning of the Kayaderosseras grant was ostensible altruism in behalf of the probably defrauded Mohawk “sellers” of the land. But the Assembly correctly suspected chicanery behind the altruistic mask. All the Crown officials involved stood to gain handsomely by the annulment. Governor Colden stood to earn ten thousand pounds, his fee for regranting the Kayaderosseras land; Colden's son, Alexander, four thousand pounds in fees as surveyor general of land in New York for the regranting; the Crown itself would gain from an increased annual quitrent payment of over one thousand five hundred pounds for negotiating the lands; and Sir William Johnson, the Crown's superintendent of the northern Indians who pushed the Mohawk claim, had received overlapping land grants—from the Crown and from the Mohawks—of over one hundred thousand acres in the same area. Colden agreed to back Johnson's highly dubious Indian claim after Johnson offered him ten thousand acres from the tract. The New York Assembly swiftly and angrily rejected the whole scheme and no doubt its reaction radicalized the assemblymen into taking a firm, principled stand on the molasses tax.

11

Reaction in Pennsylvania

Pennsylvania's protests were among the most anemic in the colonies. A major reason was undoubtedly the restraining influence of Franklin and Jackson. The Pennsylvania Assembly, in September 1764, declared its opposition to taxation by Parliament, but was too timid to follow its sister colonies and send the protest to Parliament or the Crown. Instead the Assembly quickly, quietly, and privately sent its conclusions to Richard Jackson. For a while, it even promised to send Jackson an alternate plan for raising a colonial revenue, probably the scheme of the ever-helpful Franklin that would pay interest to the Crown on a new all-colonial paper currency.

Perhaps the major reason for Pennsylvania's timidity as well as Franklin's, was the scheming of the (nonpacifist) Quaker oligarchy of eastern Pennsylvania, with whom Franklin was allied, to perpetuate their control of the colony. As the Germans and the Ulster Scots poured into western Pennsylvania, the older Quaker settlers became a distinct minority of the population; yet their districts still commanded a majority representation in the Assembly. Thus, the three Quaker counties of Chester, Bucks, and Philadelphia (excluding the city of Philadelphia) had far less than half of Pennsylvania's population in 1760; yet they sent twenty-four representatives to the Assembly out of thirty-six. Demands for correcting the increasing inequity of Pennsylvania representation were mounting, and the Quaker oligarchs calculated that if the province shifted from proprietary to royal government, they could manage to dominate a Crown-appointed Council and thereby keep control of the government. Hence, Benjamin Franklin, appointed as Pennsylvania's agent in London in the fall of 1764 to press for a change to royal government, wrote from London that English Quakers would back the cause and thus prevent

"their friends in Pennsylvania falling totally under the domination of Presbyterians."

Seeking important favors from the Crown, the Quaker-dominated Pennsylvania Assembly felt that it could not press any opposition to a favorite measure of the Grenville administration. Principle yielded to the subservience of the courtier.

With Franklin, Jackson, and Franklin's close ally Joseph Galloway committed to a pro-Crown position as against the proprietary, Pennsylvania politics were in danger of being sidetracked by a struggle over the proprietary system. In the midst of this trend, one great leader arose to take a determined libertarian position: against *both* Crown and proprietary. The lone voice was John Dickinson, a young lawyer, who in May 1764 warned of the "blaze of royal authority" that would follow replacement of the proprietary. Only Dickinson warned clearly of the impending aggrandizement of the imperial power and of the dangers of a British standing army. He also pointed out that the proprietors had cooperated closely with royal policies and therefore that the Crown could hardly serve as a relative paladin of liberty. While denouncing the exactions and evils of proprietary rule, Dickinson hailed Pennsylvania's unique liberties: complete religious freedom, absence of test oaths, a unicameral elected legislature unhampered by an appointed Council, absolute Assembly control over its own meetings, and *annual* elections. In contrast, Joseph Galloway sought the blessings of "royal liberty," and Ben Franklin proudly and accurately proclaimed that he had constantly and uniformly "advanced the measures of the Crown, ever since I had any influence in the province."

John Dickinson's emergence as head of the liberal opposition to the tyrannical moves of the British Crown occasioned a new political lineup in Pennsylvania. On one side was an antiroyal coalition of western Ulster Scot Presbyterians, urban Philadelphians, and a handful of proprietary men; on the other was a conservative party headed by Galloway and Franklin based on the (nonpacifist) Quakers of the eastern counties surrounding Philadelphia. Professor Jacobson concludes: "For John Dickinson 1764 marked the beginning of his important political leadership. . . . His arguments in 1764 showed not essential conservatism, as historians have so frequently charged, but a belief in the more radical idea that fundamental rights could not be altered without the consent of the governed, an idea that clearly foreshadowed the American position in the Revolutionary crisis of succeeding years. Dickinson's early and perceptive analysis . . . supports his own later claim that his stand against royal government marked the beginning of the Revolutionary struggles in Pennsylvania."*

*David L. Jacobson, "John Dickinson's Fight Against Royal Government, 1764," *William and Mary Quarterly* (January 1962): 85.

12

Reaction in New Jersey

New Jersey sent no official protest whatever to England. Robert Ogden, Speaker of the New Jersey Assembly, was, during August, inspired by the June 1764 circular letter of the Massachusetts Assembly urging "all the colonies to unite and exert themselves to the utmost to keep off the threatening blow of imposing taxes, duties, etc. so destructive to the liberties the colonies hitherto enjoyed. . . ." Ogden pressed for a special session of the legislature, but none was called, perhaps because of the recalcitrance of New Jersey Governor William Franklin, son of Benjamin. However, in September, two members of the New Jersey Council, Samuel Smith and Charles Reade, and a member of the Assembly, Jacob Spicer, formed themselves into a "Committee of Correspondence for West Jersey" and sent off a protest to the colony's London agent. The committee asserted that "we look upon all taxes laid upon us without our consent as a fundamental infringement of the rights and privileges secured to us as English subjects, and by charter."

In a letter to the Governor of South Carolina, Attorney General Cortlandt Skinner of New Jersey riddled the defense argument used by Great Britain. The British troops in the Indian country, "far from protecting, . . . are the very cause of our Indian wars, and the monstrous expenses attending them. . . . All we want with [the Indians] . . . is their trade, which we can never enjoy . . . until we remove their [suspicion]." When that is done, Skinner pointed out, the colonies will enjoy the security of the days they knew before the war, when there were virtually no English troops stationed in America. Skinner also noted that the French and Indian threats were now removed and therefore even fewer troops were needed for "defense."

13

Reaction in the South

Virginia was also inspired by the Massachusetts circular letter of June 1764, and the House of Burgesses appointed a committee of notables of the province to draft a protest to England. The committee was headed by Peyton Randolph and included Richard Henry Lee, Landon Carter, George Wythe, Edmund Pendleton, Benjamin Harrison, Richard Bland, and Archibald Cary. The Virginia protest, sent in mid-December, asserted freedom from parliamentary taxation as a right, although the application of this freedom to *external* (as against internal) taxes was not clearly defined. The protest also moved to reject one solution that was already implicit in James Otis's position: colonial representation in Parliament. This was an alternative to continuing colonial home rule most emphatically rejected by most Americans, and the Virginia resolves were the first to make this clear.

In a private letter, young Richard Henry Lee expressed sentiments portentous for the future. He asserted the "unquestionable right" of Americans to "the free possession of property," and to laws and taxes made by their own representatives. He sensed a design by the mother country to "oppress North America with the iron hand of power, unrestrained by any sentiment, drawn from reason, the liberty of mankind, or the genius of their own government." Finally, he warned that "possibly this step of the mother country, though intended to oppress and keep us low, in order to secure our dependence, may be subversive of this end. Poverty and oppression, among those whose minds are filled with ideas of British liberty, . . . may produce a fatal resentment of parental care being converted into tyrannical usurpation."

The North Carolina House, during its October session, protested the imposition of taxes without colonial consent "and against what we esteem an

inherent right and exclusive privilege of imposing our own taxes. . . .” The protest was drawn up by a committee headed by Thomas McGuire. No distinction was made between internal and external taxes, but the boldness of the stand was greatly vitiated by the fact that the protest was only addressed to the governor and that none was sent to England, even privately to the colony’s London agent.

The first southern assembly to protest the American Revenue Act was the South Carolina House, which, in August 1764, ordered its Committee of Correspondence to instruct its London agent to oppose any parliamentary tax as violating the “inherent right of every British subject not to be taxed but by his own consent or that of his representative.”

No official protests, apparently, emanated from New Hampshire, Maryland, Delaware, and Georgia.

14

Enforcement Troubles

In addition to protesting the molasses duty, the colonists denounced the aggrandizement of the vice admiralty courts and the further weakening of the safeguards of trial by jury. They also protested other provisions for tighter enforcement of the trade laws. The creation of the new overall court at Halifax seemed particularly threatening: not only was the new court remote from friendly pressures by the merchants, and not only was a Briton instead of an American appointed to the post, but Halifax was costly to travel to and suffered from a shortage of lawyers to represent the accused. Accordingly, merchants in Massachusetts, Rhode Island, and New York petitioned their assemblies for relief and complained of the new enforcement procedures. The pamphlet of Oxenbridge Thacher, a leading lawyer, placed particular stress on objection to the aggravated jurisdiction of the admiralty courts. The protest of the Massachusetts Council and House put it succinctly: "The extension of the powers of the courts of vice admiralty have . . . deprived the colonies of one of the most valuable of English liberties, trials by juries."

Southern merchants were particularly disturbed at the red-tape regulations crippling the coastal trade and their protests were strongly backed by Lieutenant Governor William Bull of South Carolina.

After the Revenue Act came into force, merchants tried their best to avoid the regulations. Sometimes action was forceful indeed. In late November 1764, Robert Heron, a customs collector of Maryland, seized a ship with a cargo of molasses. The cargo was condemned in a vice admiralty court and duly advertised for auction sale at the local tavern. The owner of the condemned vessel, a chap named Graham, got the merchants to promise to boycott any purchase of the goods. And at the auction Graham assaulted Heron and threw him out of the tavern.

Such forcible measures were rare. But the temper of America was plain enough, so plain that the British officers thought it more prudent *not* to anger the colonists by taking cases to the general court in Halifax. As a result, Judge Spry languished at Halifax with little to do. As staunch a Tory as Governor Bernard of Massachusetts urged Britain to move the admiralty court from remote Halifax to the American mainland. Indeed, the Crown prepared to abolish the Halifax court and substitute three appellate vice admiralty courts, one each at Boston, Philadelphia, and Charleston, but the reorganization plans were lost in the furor over the Stamp Act.

One collector, however, had no scruples about the wisdom of hauling defendants to Halifax. He was John Robinson, the new collector of customs in Rhode Island. Robinson's turn toward Halifax was prompted by a legendary record of heroic obstruction by Rhode Islanders in the colonial courts. Rhode Island indeed proved a thorn in Britain's side from the time the new enforcement policy went into effect. When Robinson first arrived in the colony from England in the spring of 1764, he sternly refused to play by the old lax rules of colonial officials, and therefore did not accept a huge annual seventy-thousand-pound bribe from the merchants for allowing them continued freedom of trade. Instead, Robinson began a rigorous enforcement of the trade laws. However, he soon found himself blocked in the courts, even in the local admiralty court.

15

The Newport Case

Enforcement troubles in Rhode Island began promptly. The Assembly forbade the governor from swearing in any customs officials. And after John Temple, surveyor general of the Customs at Boston, seized the ship *Rhoda* at Newport for engaging in illegal trade, a party of citizens loaded the cargo at night and put the ship to sea. The *Rhoda*, incidentally, was owned by a judge of the Rhode Island Superior Court.

In a more important case, John Robinson, in the spring of 1764, seized a vessel and a cargo of sugar that had in turn been seized by a British naval officer. Robinson took the cargo to Rhode Island's admiralty court, which superbly thwarted the collector by selling the sugar back to its owner at a low price, and somehow never collecting the amount. In March 1765, moreover, Robinson and his deputy, John Nicoll, seized the vessels *Waincott* and *Nelly* for possessing illegal molasses, and took the case to the Rhode Island Admiralty Court. The judge, John Andrews, and the prosecutor or king's advocate, James Honeyman, were both native Rhode Islanders and both highly sympathetic to the merchants; they did their best to thwart the whole proceeding. Witnesses were not summoned and were permitted to escape, Honeyman refused to attend the trial, and finally Judge Andrews acquitted both of the ships.

When Robinson and Nicoll complained to England of this treatment, Judge Andrews retaliated swiftly, suing the customs officers in common-law court for defamation. Judge Andrews won the case and proceeded to sue Robinson for complaining to the governor. Such cases being typical in Rhode Island, the judge and the king's advocate effectively stymied the royal customs officials in that province.

When, therefore, John Robinson seized the ship *Polly* in April 1765 for smuggling molasses, he should not have been surprised to receive the full treatment—from populace and judiciary alike. In fact, here was an excellent example of cooperation in obstruction between the citizens of Rhode Island and neighboring Massachusetts. The vessel was seized at Dighton, on the Massachusetts side of Narragansett Bay. The first step for Robinson and his aides was to have a crew bring the *Polly* to Newport to be condemned in court. But they could find no one in Dighton to serve on such an obnoxious voyage. That night a large group of citizens carried away the whole cargo and grounded the sloop. Robinson's two aides found it healthier not to interfere, and when warned by the local justice of the peace of further rebellious action by the mob, they scurried back to Newport. And a crew sent by Robinson to bring the *Polly* to Newport was sent fleeing back by a turbulent crowd of about a hundred people.

Hearing the news of the popular resistance, John Robinson gathered an armed force of British soldiers and marines, and marched to meet the rebellion at Dighton. In Massachusetts, the local justices of the peace refused to grant him writs of assistance and warned him that the "whole country" would defeat his "handful of men." At Dighton, Robinson found that his prize capture, the *Polly*, had been run aground, stripped of sail rigging and other equipment, and her bottom drilled full of holes.

No sooner had Robinson arrived in Dighton than he was arrested and sued for three thousand pounds in damages by Job Smith for seizing his vessel, the *Polly*, and its cargo. The suit would eventually be superseded by justification for probable cause in vice admiralty court, but meanwhile Robinson was taken to Taunton, Massachusetts, to the jeers and threats of the populace. Without friends to stand bail, Robinson was forced to spend the night in jail until bailed out by John Temple; meanwhile, Robinson ranted that the "wretch" Smith was "deserving of the severest treatment that the law could inflict."

At Taunton it was again justices of the peace who obstructed Robinson's efforts at enforcement. Finally, Robinson called on a British warship and resealed the *Polly*. Backed strongly by Temple, he then lashed out at the Rhode Islanders by taking the case to court at Halifax, Nova Scotia. Not only remote, Halifax was in a militarily held domain as well.

Resentment in the colony also piled up against the British fleet, both for its enforcing activities and for impressing colonial seamen into the royal fleet. The impressment issue burst forth in the summer of 1764. Three crew members of the British naval schooner *St. John* came ashore and stole some pigs and chickens from Newport citizens. The Newporters were incensed to find that the sheriff, rowing out to arrest the thieves, was prevented from boarding the *St. John*. The same day, one of the ship's impressed seamen managed to escape to Newport, and the *St. John* sent out an armed party to recapture him on the charge of "desertion." This outrage was too much for the people of

Newport. When the armed party landed, a Newport mob promptly seized the commanding officer—giving him a little taste of impressment-in-reverse—and stoned and drove off the rest of his men. In retaliation for the warship's defiance of the civil sheriff, two members of the Rhode Island Council ordered the gunners at the fort to shell the *St. John* as it left port that day, and fifty other Newporters enthusiastically joined in the firing. Such incidents polarized the conflict on both sides. Thus the Rhode Island Council chastised the gunners for not trying conscientiously to sink the warship. In the meanwhile, Captain Richard Smith of the Royal Navy was urging the British government to use this act of insurrection as "a means of a [coerced] change of government in this licentious republic."

At about the same time, the British schooner *Chaleur* impressed some fishermen off Long Island in New York. The *Chaleur's* master was threatened with death if the men were retained, and so the victims were released the next day. Notwithstanding, a New York City mob seized a boat from the *Chaleur* and burned it ceremoniously in front of city hall. Thus, the impressment issue kindled opposition to Britain in the colonies.

The explosive issue of impressment, or at least forced conscription, into the navy was also involved in a clash off New England in December 1764. Officers of the British warships *Cygnets* and *Jamaica* forcibly boarded a passenger ship off New England, looking for deserters from the navy. The passengers rose to their own defense and managed to throw several of the officers overboard. The fight ended when an officer ran through one of the passengers with his sword, a finale that incensed the citizens of Newport when the *Cygnets* put into port shortly afterward.

A more directly rebellious act by Newporters against the Crown over impressment occurred in the spring of 1765. The royal ship *Maidstone* had arrived at Newport at the end of the previous year, and proceeded to conscript colonial sailors at a furious pace. Indeed, the *Maidstone* men even broke an agreement not to seize Newport townspeople. Trade was crippled out of fear of losing crews to impressment, and fishermen refused to venture forth about their business.

Peaceful persuasion and protest having failed, the people of Newport decided to take positive measures to defend life and property against these outrages by England. On June 4, the *Maidstone* officers impressed the full crew of a ship; a furious mob of five hundred seized one of the *Maidstone's* boats and burned it completely. Lieutenant Jenkins of the royal vessel was seized by the crowd and almost killed until cooler and more timorous heads prevailed. A few weeks later, the *Maidstone* finally bowed to pressures coming from the masses, up to and including Governor Samuel Ward, and released all the impressed and kidnapped Rhode Islanders.

The British officials—the *Maidstone's* captain and the customs officers—wrote to England complaining of the fomenting of violent resistance to Eng-

land by the Rhode Island officials, who, being democratically elected, would be turned out of office if they behaved otherwise. The attack on the *Maidstone* stemmed from the lawlessness of the people and "from the principles of the constitution of the government, which is the most popular that can be formed."

The merchants also reacted to the Sugar Act and the enforcement of mercantilist restrictions, by trying to encourage self-sufficiency in manufacturing in the colonies. This reaction at first was meant not as pressure on Britain to repeal the Sugar Act, but simply as a means of reducing dependence on a foreign trade that was now crippled. Wealthy merchants of New York and Boston formed associations and advanced capital for spinning factories and whiskey distilleries to replace rum, and planned to increase wool manufacture. Concerted movements arose in Boston, New York, New Haven, and Elizabeth to abstain from luxury imports and substitute American products. In Boston, an association formed by some councillors, representatives, and others, pledged a boycott of British manufactures and of the consumption of lamb, in order to help domestic woolens. Leading liberals in New York formed in late 1764 a Society for the Promotion of Arts, Agriculture, and Economy of New York City to promote these aims. Included among the founders was the eminent radical triumvirate of William Livingston, William Smith, Jr., and John Morin Scott, as well as Philip Livingston, Frederick Philipse, and James Duane. All these popular actions tended to unite the people against British legislation. The upshot of the trade restrictions, aided by the check on inflation imposed by the British Currency Act of 1764 in areas south of New England, was a severe business depression in the colonies. Evidences of severe depression appeared by the spring of 1764 in Rhode Island, Connecticut, New York, Boston, New Hampshire, Philadelphia, Maryland, and Virginia. In Boston, the bankruptcy of Nathaniel Wheelwright, one of New England's leading merchants, in January 1765 was a severe blow to business confidence. The Virginia planters, heavily indebted to English merchants, were in particularly bad straits, with the price of tobacco declining sharply.