"The American Revolution as an Aftermath of the Great War for the Empire, 1754-1763" and other Essays in American Colonial History

Second Series of Essays

BY

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In 1942 there was issued by the Department of History and Government of Lehigh University "Some Reflections upon the American Revolution" and other Essays in American Colonial History by Lawrence Henry Gipson. The response to this on the part of students of history was such that it has seemed desirable to place together another group of essays that have appeared since this date and to issue them in the same manner, but now under the sponsorship of the Institute of Research. The following essays have been included:


THE AMERICAN REVOLUTION AS AN AFTERMATH OF THE GREAT WAR FOR THE EMPIRE, 1754-1763

BY

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GREAT wars in modern times have too frequently been the breeders of revolution. The exhausting armed struggles in which France became engaged in the latter half of the eighteenth century led as directly to the French Revolution as did the First World War to the Russian Revolution; it may be said as truly that the American Revolution was an aftermath of the Anglo-French conflict in the New World carried on between 1754 and 1763. This is by no means to deny that other factors were involved in the launching of these revolutionary movements. Before proceeding with an analysis of the theme of this paper, however, it would be well to consider the wording of the title given to it.*

Words may be used either to disguise or to distort facts as well as to clarify them, but the chief task of the historian is to illuminate the past. He is faced, therefore, with the responsibility of using only such words as will achieve this broad objective of his calling and to reject those that obscure or defeat it. For this reason "the French and Indian War", as a term descriptive of the conflict to which we have just referred, has been avoided in this essay as well as in the writer's series on the British Empire before the American Revolution. This has been done in spite of the fact that it has been employed by most Americans ever since the early days of our Republic and therefore has the sanction of long usage as well as the sanction of American national tradition assigning, as does the latter, to the Revolutionary War a position of such commanding importance as to make all other events in American history, preceding as well as following it, quite subordinate to it. In contrast to this traditional interpretation of our history one may affirm that the Anglo-French conflict settled nothing less than the incom-

* This paper was read before the colonial history section of the American Historical Association in December 1948 at the Annual Meeting held in Washington.
parably vital question as to what civilization—what complex cultural patterns, what political institutions—would arise in the great Mississippi basin and the valleys of the rivers draining it, a civilization, whatever it might be, surely destined to expand to the Pacific seaboard and finally to dominate the North American continent. The determination of this crucial issue is perhaps the most momentous event in the life of the English-speaking people in the New World and quite overshadows in importance both the Revolutionary War and the later Civil War, events which, it is quite clear, were each contingent upon the outcome of the earlier crisis.

A struggle of such proportions, involving tremendous stakes, deserves a name accurately descriptive of its place in the history of the English-speaking people, and the title “the French and Indian War”, as suggested, in no way fulfills this need. For the war was not, as the name would seem to imply, a conflict largely between English and French New World colonials and their Indian allies, nor was it localized in North America to the extent that the name would appear to indicate. In contrast, it was waged both before and after an open declaration of war by the British and French nations with all their resources for nine years on three oceans, and much of the land washed by the waters of them, and it ultimately brought in both Spain, allied to France, and Portugal, allied to Great Britain. While it involved, it is true, as the name would connote, wilderness fighting, yet of equal, if not of greater, importance in assessing its final outcome was the pouring forth of Britain’s financial resources in a vast program of shipbuilding, in the equipment and support of the British and colonial armies and the royal navy, and in the subsidization both of allies on the European continent and of the colonies in America. If it also involved the reduction of the fortress of Louisbourg, Fort Niagara, Fort Duquesne, Quebec and Montreal in North America, each in turn to fall to British regulars aided by American provincial troops, these successes, of great significance, were, in fact, really contingent upon the resounding British naval victories in the Mediterranean, off the Strait of Gibraltar, in the Bay of Biscay, and elsewhere, that brought about the virtual extinction of the French navy and merchant marine and thereby presented to
France—seeking to supply her forces in Canada and elsewhere with adequate reinforcements and matériel—a logistical problem so insoluble as to spell the doom of her North American empire and of her possessions in India and elsewhere.

If the term "the French and Indian War" meets none of the requirements of accurate historical nomenclature, neither does the term "the Seven Years’ War"—a name appropriately enough employed by historians to designate the mighty conflict that raged for seven years in Germany before its conclusion in the Treaty of Hubertusburg in 1763. The principals in this war were Prussia, allied with Great Britain, Hanover, Brunswick and Hesse, facing Austria, most of the Holy Roman Empire, Russia and Sweden, all allied with France and receiving subsidies from her. Although George II, as King of Great Britain and Elector of Hanover, in the treaty of 1758 with Frederick of Prussia, promised not to conclude peace without mutual agreement with the latter, and although large subsidies were annually paid to Prussia as well as to the other continental allies out of the British treasury and troops were also sent to Germany, it must be emphasized that these aids were designed primarily for the protection of the King’s German Electorate. In other words, the British alliance in no way supported the objectives of the Prussian King, when he suddenly began the German war in 1756 by invading Saxony—two years after the beginning of the Anglo-French war. In this connection it should be borne in mind that throughout the Seven Years’ War in Germany Great Britain remained at peace with both Russia and Sweden and refused therefore to send a fleet into the Baltic in spite of the demands of Frederick that this be done; nor were British land troops permitted to assist him against Austria, but only to help form a protective shield for Hanover against the thrusts of the French armies. For the latter were determined not only to overrun the Electorate—something that they succeeded in doing—but to hold it as a bargaining point to be used at the conclusion of hostilities with Great Britain, a feat, however, beyond their power of accomplishment. Closely related and intertwined as were the two wars, they were, nevertheless, distinct in their beginning and distinct in their termination.
Indeed, while British historians at length were led to adopt the nomenclature applied by German and other continental historians to all hostilities that took place between 1754 and 1763 in both the Old and New Worlds, American historians, by and large in the past, have rejected, and rightly so, it seems, the name "the Seven Years' War" to designate specifically the struggle during these years in North America with the fate of that continent at stake; so likewise many of them have rejected, as equally inadmissible, the name "the French and Indian War". Instead, the late Professor Osgood employed the title "the Fourth Intercolonial War", surely not a good one; George Bancroft called the war "the American Revolution: First Phase", still more inaccurate in some respects than the names he sought to avoid; Francis Parkman, with the flare of a romanticist, was at first inclined to call it "the Old French War" but finally, under the influence of the great-man-in-history thesis, gave to his two remarkable volumes concerned with it the totally misleading name, *Montcalm and Wolfe*; finally, John Fiske, the philosopher-historian, as luminous in his views as he was apt to be careless in the details of historical scholarship, happily fastened upon the name "the Great War". In the series on the *British Empire before the American Revolution* the writer has built upon Fiske's title and has called it "the Great War for the Empire" in order to emphasize not only the fact that the war was a very great conflict both in its scope and in its lasting effects, as Fiske saw it with clearness, but also, as a war entered into specifically for the defense of the British Empire, that it was by far the most important ever waged by Great Britain to this end.

It may be pointed out that later charges, especially by American writers, that the war was begun by Great Britain with less worthy motives in mind, are not supported by the great mass of state papers and the private correspondence of British statesmen responsible for making the weighty decisions at the time—materials now available to the student which the writer has attempted to analyze in detail in the two volumes of his series that appeared under the title of *Zones of International Friction, 1748–1754*. In other words, the idea that the war was started
as the result of European balance-of-power politics or by British mercantilists for the purpose of destroying a commercial rival and for conquering Canada and the French West Indies, and for expelling the French from India, rather than for the much more limited and legitimate objective of affording the colonies and particularly the new province of Nova Scotia and the Old Dominion of Virginia protection against the aggressive aims of France, must be dismissed by students brought face to face with impressive evidence to the contrary.

The development of the war into one for the military mastery of the North American continent came with the growing conviction on the part of the British ministers that nothing short of this drastic step would realize the primary aims of the government in arriving at the determination, as the result of appeals from the colonies for assistance, to challenge the right of French troops to be planted well within the borders of the Nova Scotia peninsula and at the forks of the Ohio. One may go as far as to state that the acquisition of Canada—as an objective sought by mercantilists to contribute to the wealth of Great Britain—would have seemed fantastic to any contemporary who had the slightest knowledge of the tremendous financial drain that that great possession had been on the treasury of the French King for over a century before 1754. Moreover, the motives that ultimately led, after much searching of heart, to its retention after its conquest by Great Britain were not commercial but strategic and had primarily in view the security and welfare generally of the older American colonies.

In view of these facts, not to be confused with surmises, the name "the Great War for the Empire" seems to the writer not only not inappropriate but among all the names heretofore applied to the war in question by far the most suitable that can be used by one concerned with the history of the old British Empire, who seeks earnestly to maintain that standard of exactness in terminology, as well as in other respects, which the public has a right to demand of him.

The description just given of the motives that led to the Great War for the Empire, nevertheless, runs counter, as suggested, to American national tradition and most history that has
been written by American historians in harmony with it. This tradition had a curious beginning. It arose partly out of Pitt's zealous efforts to energize the colonies to prosecute the war most actively; but there also was another potent factor involved in its creation. Before the conclusion of hostilities in 1763 certain powerful commercial interests—centered particularly at Newport, Rhode Island, Boston, New York City, and to a less extent in Philadelphia—in a desire to continue an enormously lucrative trade with the French West Indies, and therefore with the enemy, all in the face of Pitt's determination to keep supplies from the French armed forces operating in the New World, began to express themselves in terms that implied that the war was peculiarly Great Britain's war and only incidentally one that concerned her colonies and that the French, really friendly to the aspirations of British colonials, were opposed only to the mercantilistic ambitions of the mother country. By 1766—just twelve years after the beginning of the war and three years after its termination—this extraordinary tradition had become so well established that Benjamin Franklin, astonishingly enough, could actually assert in his examination before a committee of the House of Commons:

I know the last war is commonly spoke of here as entered into for the defence, or for the sake of the people of America; I think it is quite misunderstood. It began about the limits between Canada and Nova Scotia, about territories to which the crown indeed laid claim, but were not claimed by any British colony.... We had therefore no particular concern or interest in that dispute. As to the Ohio, the contest there began about your right of trading in the Indian country, a right you had by the Treaty of Utrecht, which the French infringed... they took a fort which a company of your merchants, and their factors and correspondents, had erected there to secure that trade. Braddock was sent with an army to retake that fort... and to protect your trade. It was not until after his defeat that the colonies were attacked. They were before in perfect peace with both French and Indians....

By the beginning of 1768 the tradition had been so extended that John Dickinson—voicing the popular American view in
his highly important *Letters from a Farmer in Pennsylvania*, No. VIII—felt that he not only could affirm, as did Franklin, that the war was strictly Britain's war and fought for selfish purposes, but could even insist that the acquisition of territory in North America as the result of it "is greatly injurious to these colonies" and that they therefore were not under the slightest obligation to the mother country.

But to return to the last phases of the Great War for the Empire. The British customs officials—spurred into unusual activity in the face of Pitt's demand for the strict enforcement of the Trade and Navigation Acts in order to break up the pernicious practice of bringing aid and comfort to the enemy—were led to employ writs of assistance for the purpose of laying their hands upon goods landed in American ports and secured in exchange for American provisions sent for the most part either directly or indirectly to the French West Indies. Although in the midst of hostilities, most of the merchants in Boston showed bitter opposition to the writs and equally ardent support of James Otis' declaration made in open court in 1761 that Parliament, acting within the limits of the constitution, was powerless to extend the use of these writs to America, whatever its authority might be in Great Britain. The importance of this declaration lies not so much in its immediate effect but rather in the fact that it was indicative of the line of attack that not only Otis would subsequently follow but also the Adamses, Hawley, Hancock, and other popular leaders in the Bay colony during the developing crisis, in the laying down of constitutional restrictions upon the power of Parliament to legislate for America. Further, it is clear that, even before the Great War for the Empire had been terminated, there were those in the province who had begun to view Great Britain as the real enemy rather than France.

Just as definitely as was the issue over writs of assistance related to the war under consideration was that growing out of the twopenny acts of the Virginia Assembly. In search of funds for maintaining the frontier defensive forces under the command of Colonel George Washington, the Assembly was led to pass in 1755 and 1758 those highly questionable laws as favor-
able to the tobacco planters as they were indefensively unjust to the clergy. Even assuming the fact that these laws were war measures, and therefore in a sense emergency measures, it was inconceivable that the Privy Council would permit so palpable a violation of contractual relations as they involved. The royal disallowance of the laws in question opened the way for Patrick Henry, the year that hostilities were terminated by the Peace of Paris, not only to challenge in the Louisa County courthouse the right of the King in Council to refuse to approve any law that a colony might pass that in its judgment was a good law, but to affirm that such refusal was nothing less than an act of tyranny on the part of the King. It was thus resentment at the overturning of Virginia war legislation that led to this attack upon the judicial authority of review by the Crown—an authority exercised previously without serious protest for over a century. It should also be noted that the Henry thesis helped to lay the foundation for the theory of the equality of colonial laws with those passed by Parliament, a theory of the constitution of the empire that most American leaders in 1774 had come to accept in arguing that if the King could no longer exercise a veto over the acts of the legislature of Great Britain, it was unjust that he should do so over those of the colonial assemblies.

But the most fateful aftermath of the Great War for the Empire, with respect to the maintenance of the historic connection between the mother country and the colonies, grew out of the problem of the control and support not only of the vast trans-Appalachian interior, the right to which was now confirmed by treaty to Great Britain, but of the new acquisitions in North America secured from France and Spain. Under the terms of the royal Proclamation of 1763, French Canada to the east of the Great Lakes was organized as the Province of Quebec; most of old Spanish Florida became the Province of East Florida; and those areas, previously held by Spain as well as by France to the west of the Apalachicola and to the east of New Orleans and its immediate environs, became the Province of West Florida. The Proclamation indicated that proper inducements would be offered British and other Protestants to establish themselves in these new provinces. With respect to the
trans-Appalachian region, however, it created there a temporary but vast Indian reserve by laying down as a barrier the crest of the mountains beyond which there should be no white settlement except by specific permission of the Crown.

The Proclamation has been represented not only as a blunder, the result largely of carelessness and ignorance on the part of those responsible for it, but also as a cynical attempt by the British ministry to embody mercantilistic principles in an American land policy that in itself ran counter to the charter limits of many of the colonies and the interests in general of the colonials. Nevertheless, this view of the Proclamation fails to take into account the fact that it was the offspring of the war and that the trans-Appalachian aspects of it were an almost inevitable result of promises made during the progress of hostilities. For both in the Treaty of Easton in 1758 with the Ohio Valley Indians, a treaty ratified by the Crown, and in the asseverations of such military leaders as Colonel Bouquet, these Indians were assured that they would be secure in their trans-Appalachian lands as a reward for deserting their allies, the French. As a sign of good faith, the lands lying within the bounds of Pennsylvania to the west of the mountains, purchased by the Proprietors from the Six Nations in 1754, were solemnly released. Thus committed in honor in the course of the war, what could the Cabinet Council at its termination do other than it finally did in the Proclamation of 1763? But this step not only was in opposition to the interests of such groups of land speculators as, for example, the Patrick Henry group in Virginia and the Richard Henderson group in North Carolina, both of whom boldly ignored the Proclamation in negotiating with the Cherokee Indians for land grants, but also led to open defiance of this imperial regulation by frontiersmen who, moving beyond the mountains by the thousands, proceeded to settle within the Indian reserve—some on lands previously occupied before the beginning of the late war or before the great Indian revolt in 1763, and others on new lands.

The Proclamation line of 1763 might have become an issue, indeed a most formidable one, between the government of Great Britain and the colonials, had not the former acquiesced in the
inevitable and confirmed certain Indian treaties that provided for the transfer of much of the land which had been the particular object of quest on the part of speculators and of those moving westward from the settled areas to establish new homes. Such were the treaties of Hard Labor, Fort Stanwix, Lochaber, and the modification of the last-named by the Donelson agreement with the Cherokees in 1771. Nor did the regulation of the trans-Appalachian Indian trade create serious colonial irritation, especially in view of the failure of the government to implement the elaborate Board of Trade plan drawn up in 1764. The same, however, cannot be said of the program put forward by the ministry and accepted by Parliament for securing the means to maintain order and provide protection for this vast area and the new acquisitions to the north and south of it.

Theoretically, it would have been possible for the government of Great Britain to have dropped onto the lap of the old continental colonies the entire responsibility for maintaining garrisons at various strategic points in North America—in Canada, about the Great Lakes, in the Ohio and Mississippi valleys, and in East and West Florida. In spite, however, of assertions made by some prominent colonials, such as Franklin, in 1765 and 1766, that the colonies would be able and were willing to take up the burden of providing for the defense of America, this, under the circumstances, was utterly chimerical, involving, as it would have, not only a vast expenditure of funds but highly complicated inter-colonial arrangements, even in the face of the most serious inter-colonial rivalry such as that between Pennsylvania and Virginia respecting the control of the upper Ohio Valley. The very proportions of the task were an insuperable obstacle to leaving it to the colonies; and the colonies, moreover, would have been faced by another impediment almost as difficult to surmount—the utter aversion of Americans of the eighteenth century, by and large, to the dull routine of garrison duty. This was emphasized by the Massachusetts Bay Assembly in 1755 in its appeal to the government of Great Britain after Braddock's defeat to send regulars to man the frontier forts of that province; the dispatches of Colonel George Washington in 1756 and in 1757 respecting the shameful desertion of militia-
men, ordered to hold the chain of posts on the western frontier of Virginia in order to check the frightful French and Indian raids, support this position, as does the testimony in 1757 of Governor Lyttelton of South Carolina, who made clear that the inhabitants of that colony were not at all adapted to this type of work. The post-war task of garrison duty was clearly one to be assumed by regulars held to their duty under firm discipline and capable of being shifted from one strategic point to another as circumstances might require. Further, to be effective, any plan for the defense of the new possessions and the trans-Appalachian region demanded unity of command, something the colonies could not provide. Manifestly this could be done only through the instrumentalities of the mother country.

The British ministry, thus confronted with the problem of guaranteeing the necessary security for the extended empire in North America, which it was estimated would involve the annual expenditure of from three to four hundred thousand pounds for the maintenance of ten thousand troops—according to various estimates made by General Amherst and others in 1764 and to be found among the Shelburne Papers—was impelled to raise the question: Should not the colonials be expected to assume some definite part of the cost of this? In view of the fact that it was felt not only that they were in a position to do so but that the stability of these outlying possessions was a matter of greater concern and importance generally to them, by reason of their proximity, than to the people of the mother country three thousand miles away, the answer was in the affirmative. The reason for this is not hard to fathom. The nine years of war had involved Britons in tremendous expenditures. In spite of very heavy taxation during these years, the people were left saddled at the termination of hostilities with a national debt of unprecedented proportions for that day and age of over one hundred and forty million pounds. It was necessary not only to service and to retire this debt, in so far as was possible, but also to meet the ordinary demands of the civil government and to maintain the navy at a point of strength that would offer some assurance that France and Spain would have no desire in the future to plan a war to recover their territorial losses. In
addition to all this, there was now the problem of meeting the charges necessary for keeping the new possessions in North America under firm military control for their internal good order and for protection from outside interference.

It may be noted that before the war the British budget had called for average annual expenditures of six and a half million pounds; between the years 1756 and 1766 these expenditures mounted to fourteen and a half million pounds a year on the average and from the latter date to 1775 ranged close to ten million pounds. As a result, the annual per capita tax in Great Britain, from 1763 to 1775, without considering local rates, was many times the average annual per capita tax in even those American colonies that made the greatest contribution to the Great War for the Empire, such as Massachusetts Bay and Connecticut—without reference to those colonies that had done little or nothing in this conflict, and therefore had accumulated little in the way of a war debt, such as Maryland and Georgia. The student of the history of the old British Empire, in fact, should accept with great reserve statements to the contrary—some of them quite irresponsible in nature—made by Americans during the heat of the controversy, with respect to the nature of the public burdens they were obliged to carry in the years preceding the outbreak of the Revolutionary War. In this connection a study of parliamentary reimbursement of colonial war expenses from 1756 to 1763 in its relation to public debts in America between the years 1763 and 1775 is most revealing. As to American public finance, all that space will here permit is to state that there is abundant evidence to indicate that, during the five-year period preceding the outbreak of the Revolutionary War, had the inhabitants of any of the thirteen colonies, which therefore included those of Massachusetts Bay and Virginia, been taxed in one of these years at the average high per capita rate that the British people were taxed from 1760 to 1775, the proceeds of that one year’s tax not only would have taken care of the ordinary expenditures of the colony in question for that year but also would have quite liquidated its war debt, so little of which remained in any of the colonies by 1770. Well may John Adams have admitted in 1780 what was equally true
in 1770: "America is not used to great taxes, and the people there are not yet disciplined to such enormous taxation as in England."

Assuming, as did the Grenville ministry in 1764, the justice of expecting the Americans to share in the cost of policing the new possessions in North America, the simplest and most obvious way, it might appear, to secure this contribution to a common end so important to both Americans and Britons was to request the colonial governments to make definite grants of funds. This was the requisition or quota system that had been employed in the course of the recent war. But the most obvious objections to it were voiced that same year by Benjamin Franklin, who, incidentally, was to reverse himself the following year in conferring with Grenville as the Pennsylvanlia London agent. In expressing confidentially his personal, rather than any official, views to his friend Richard Jackson on June 25, 1764 he declared: "Quota's would be difficult to settle at first with Equality, and would, if they could be made equal at first, soon become unequal, and never would be satisfactory." Indeed, experience with this system in practice, as a settled method of guaranteeing even the minimum essential resources for the end in view, had shown its weakness and utter unfairness. If it could not work equitably even in war time, could it be expected to work in peace? It is, therefore, not surprising that this method of securing even a portion of the funds required for North American security should have been rejected in favor of some plan that presented better prospects of a definite American revenue.

The plan of last resort to the ministry was therefore to ask Parliament to act. That Grenville, however, was aware that serious objections might be raised against any direct taxation of the colonials by the government of Great Britain is indicated by the caution with which he approached the solution of the problem of securing from America about a third of the total cost of its defense. The so-called Sugar Act first of all was passed at his request. This provided for import duties on certain West Indian and other products. Colonial import duties imposed by Parliament, at least since 1733, were no innovation.
But the anticipated yield of these duties fell far short of the desired one hundred thousand pounds. He therefore, in introducing the bill for the above Act, raised the question of a stamp duty but requested postponement of parliamentary action until the colonial governments had been consulted. The latter were thereupon requested to make any suggestions for ways of raising an American fund that might seem more proper to the people than such a tax. Further, it would appear—at least, according to various London advices published in Franklin and Hall's *Pennsylvania Gazette*—that proposals were seriously considered by the Cabinet Council during the fall of 1764 for extending to the colonies representation in Parliament through the election of members to the House of Commons by various colonial assemblies. However, it is quite clear that by the beginning of 1765 any such proposals, as seem to have been under deliberation by the ministry, had been put aside when Grenville at length had become convinced that representation in Parliament was neither actively sought nor even desired by Americans. For the South Carolina Commons House of Assembly went strongly on record against this idea in September 1764 and was followed by the Virginia House of Burgesses in December. In fact, when in the presence of the London colonial agents the minister had outlined the objections raised by Americans to the idea of such representation, no one of them, including Franklin, was prepared to deny the validity of these objections. That he was not mistaken in the opposition of Americans at large to sending members to Parliament, in spite of the advocacy of this by James Otis, is clear in the resolutions passed both by other colonial assemblies than the ones to which reference has been made and by the Stamp Act Congress in 1765. Indeed, in 1768 the House of Representatives of Massachusetts Bay went so far in its famous Circular Letter framed in opposition to the Townshend duties as to make clear that the people of that colony actually preferred taxation by Parliament without representation to such taxation with representation.

When—in view of the failure of the colonial governments to suggest any practicable, alternate plan for making some contribution to the post-war defensive program in North America—
Grenville finally urged in Parliament the passage of an American stamp bill, he acted on an unwarranted assumption. This assumption was—in paraphrasing the minister's remarks to the colonial agents in 1765—that opposition to stamp taxes, for the specific purpose in mind, would disappear in America both in light of the benefits such provision would bring to colonials in general and by reason of the plain justice of the measure itself; and that, in place of opposition, an atmosphere of mutual goodwill would be generated by a growing recognition on the part of Americans that they could trust the benevolence of the mother country to act with fairness to all within the empire. Instead, with the news of the passage of the act, cries of British tyranny and impending slavery soon resounded throughout the entire eastern Atlantic American seaboard. What would have been the fate of the empire had Grenville remained in office to attempt to enforce the act, no one can say. But as members of the opposition to the Rockingham ministry, he and his brother, Earl Temple, raised their voices—one as a commoner, the other as a peer—in warning that the American colonies would inevitably be lost to the empire should Parliament be led to repeal the act in the face of colonial resistance and the pressure of British merchants. Had Parliament determined, in spite of violence and threats of violence, to enforce the act, it might have meant open rebellion and civil war, ten years before it actually occurred. Instead, this body decided to yield and, in spite of the passing of the so-called Declaratory Act setting forth its fundamental powers to legislate on all matters relating to the empire, suffered a loss of prestige in the New World that was never to be regained.

But the Stamp Act was not the sole object of attack by colonials. To many of them not only the Sugar Act of 1764 but the whole English pre-war trade and navigation system was equally, if not actually more, obnoxious. Indeed, the unusual energy displayed by the navy and the customs officials, spurred into action by Pitt during the latter years of the war—bringing with it the condemnation in courts of vice-admiralty of many American vessels whose owners were guilty of serious trade violations, if not greater crimes—generated a degree of antagonism against the whole body of late seventeenth- and early
eighteenth-century restrictions on commercial intercourse such as never had previously existed. It is not without significance that the greatest acts of terrorism and destruction during the great riot of August 1765 in Boston were directed not against the Massachusetts Bay stamp distributor but against those officials responsible for encouraging and supporting the enforcement, during the late war, of the various trade acts passed long before its beginning in 1754. The hatred also of the Rhode Island merchants, as a group, against the restrictions of the navigation system as well as against the Sugar Act of 1764, remained constant. Moreover, in December 1766 most of the New York merchants, over two hundred in number, showed their repugnance to the way that this system was functioning by a strongly worded petition to the House of Commons in which they enumerated an impressive list of grievances that they asked to be redressed. Even Chatham, the great friend of America, regarded their petition "highly improper: in point of time most absurd, in the extent of their pretensions, most excessive; and in the reasoning, most grossly fallacious and offensive." In fact, all the leading men in Great Britain supported the system of trade restrictions.

Nevertheless, the determination of the government—in view especially of the great financial burdens that the late war had placed upon the mother country—to enforce it now much more effectively than had been done before 1754, and to that end in 1767 to pass appropriate legislation in order to secure funds from the colonies by way of import duties so that public officials in America might be held to greater accountability when paid their salaries by the Crown, could have only one result: the combined resistance of those, on the one hand, opposed to any type of taxation that Parliament might apply to America and of those, on the other, desiring to free the colonies of hampering trade restrictions.

The suggestion on the part of the Continental Congress in 1774 that Americans would uphold the British navigation system, if exempted from parliamentary taxation, while a shrewd gesture to win support in England, had really, it would seem, no other significance. For it is utterly inconceivable that the Congress itself, or the individual colonial governments, could have
set up machinery capable of preventing violations of the system at will on the part of those whose financial interests were adversely affected by its operation. Moreover, it is obvious that, by the time the news had reached America that Lord North's ministry had secured the passage of the coercive acts—for the most part directed against Massachusetts Bay for the defiant destruction of the East India Company's tea—leading colonials, among them Franklin, had arrived at the conclusion that Parliament possessed powers so very limited with respect to the empire that without the consent of the local assemblies it could pass neither constitutional nor fiscal legislation that affected Americans and the framework of their governments. It is equally obvious that this represented a most revolutionary position when contrasted with that held by Franklin and the other delegates to the Albany Congress twenty years earlier. For it was in 1754 that the famous Plan of Union was drawn up there and approved by the Congress—a plan based upon the view that Parliament, and not the Crown, had supreme authority within the empire, an authority that alone was adequate in view of framers of the Plan to bring about fundamental changes in the constitutions of the colonies in order legally to clothe the proposed union government with adequate fiscal as well as other powers.

In accounting for the radical change in attitude of many leading colonials between the years 1754 and 1774 respecting the nature of the constitution of the empire, surely among the factors that must be weighed was the truly overwhelming victory achieved in the Great War for the Empire. This victory not only freed colonials for the first time in the history of the English-speaking people in the New World from dread of the French, their Indian allies, and the Spaniards, but, what is of equal significance, opened up to them the prospect, if given freedom of action, of a vast growth of power and wealth with an amazing westward expansion. Indeed, it is abundantly clear that a continued subordination of the colonies to the government of Great Britain was no longer considered an asset in the eyes of many Americans by 1774, as it had been so judged by them to be in 1754, but rather an onerous liability. What, pray tell, had the debt-ridden mother country to offer in 1774 to the now geographically secure, politically mature, prosperous,
dynamic, and self-reliant offspring along the Atlantic seaboard, except the dubious opportunity of accepting new, as well as retaining old, burdens? And these burdens would have to be borne in order to lighten somewhat the great financial load that the taxpayers of Great Britain were forced to carry by reason of obligations the nation had assumed both in the course of the late war and at its termination. If many Americans thought they had a perfect right to profit personally by trading with the enemy in time of war, how much more deeply must they have resented in time of peace the serious efforts made by the home government to enforce the elaborate restrictions on commercial intercourse? Again, if, even after the defeat of Colonel Washington at Great Meadows in 1754, colonials such as Franklin were opposed to paying any tax levied by Parliament for establishing a fund for the defense of North America, how much more must they have been inclined to oppose such taxation to that end with the passing in 1763 of the great international crisis?

At this point the question must be frankly faced: If France had won the war decisively and thereby consolidated her position and perfected her claims in Nova Scotia, as well as to the southward of the St. Lawrence, in the Great Lakes region, and in the Ohio and Mississippi valleys, is it at all likely that colonials would have made so fundamental a constitutional issue of the extension to them of the principle of the British stamp tax? Would they have resisted such a tax had Parliament imposed it in order to provide on an equitable basis the maximum resources for guaranteeing their safety, at a time when they were faced on their highly restricted borders by a militant, victorious enemy having at its command thousands of ferocious redskins? Again, accepting the fact of Britain’s victory, is it not reasonable to believe that, had Great Britain at the close of the triumphant war left Canada to France and carefully limited her territorial demands in North America to those comparatively modest objectives that she had in mind at its beginning, there would have been no very powerful movement within the foreseeable future toward complete colonial autonomy—not to mention American independence? Would not Americans have continued to feel the need as in the past to rely for their safety
and welfare upon British sea power and British land power, as well as upon British resources generally? In other words, was Governor Thomas Hutchinson of Massachusetts Bay far mistaken when, in analyzing the American situation late in 1773, he affirmed in writing to the Earl of Dartmouth:

Before the peace [of 1763] I thought nothing so much to be desired as the cession of Canada. I am now convinced that if it had remained to the French none of the spirit of opposition to the Mother Country would have yet appeared & I think the effects of it [that is, the cession of Canada] worse than all we had to fear from the French or Indians.

In conclusion, it may be said that it would be idle to deny that most colonials in the eighteenth century at one time or another felt strongly the desire for freedom of action in a wider variety of ways than was legally permitted before 1754. Indeed, one can readily uncover these strong impulses even in the early part of the seventeenth century. Yet Americans were, by and large, realists, as were the British, and under the functioning of the imperial system from, let us say, 1650 to 1750 great mutual advantages were enjoyed, with a fair division, taking everything into consideration, of the financial burdens necessary to support the system. However, the mounting Anglo-French rivalry in North America from 1750 onward, the outbreak of hostilities in 1754, and the subsequent nine years of fighting destroyed the old equilibrium, leaving the colonials after 1760 in a highly favored position in comparison with the taxpayers of Great Britain. Attempts on the part of the Crown and Parliament to restore by statute the old balance led directly to the American constitutional crisis, out of which came the Revolutionary War and the establishment of American independence. Such, ironically, was the aftermath of the Great War for the Empire, a war that Britons believed, as the Earl of Shelburne affirmed in 1762 in Parliament, was begun for the "security of the British colonies in N. America. . . ."

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Thomas Hutchinson and the Framing of the Albany Plan of Union, 1754

BY

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The importance accorded by students of American history and government to the abortive Albany Plan of Union, the chief product of the Albany Congress of the year 1754, lies in the recognition that it was by far the most significant among various proposals for an American union that, taken together, form a background for the Articles of Confederation and our present Constitution of the United States. The evolution of the document itself has not, however, been given the attention on the part of scholars that it deserves. Perhaps this arises from the fact that Benjamin Franklin’s “Short Hints towards a Scheme for Uniting the Northern Colonies”—apparently prepared in New York and there submitted to the criticism of some of his friends—is very properly accepted as the chief source of many of the leading ideas embodied in the Plan. Therefore, there seemed to be no problem to settle. But there are questions that may be raised as to the possible relation of the latter in style, structure, and content to other plans that apparently were presented for the consideration of the Commissioners, and, in particular, one that seems to have been drafted by Thomas Hutchinson of Massachusetts Bay.

It was on June 24 that the Albany Congress voted that a committee consisting of one representative of each of the colonial delegations be selected “to prepare and receive Plans or Schemes for the Union of the Colonies, and to digest them into one general plan for

1 In the fifth volume of The British Empire before the American Revolution (New York, 1942), Chapter IV, “Join or Die,” I have dealt with some of the problems that confront the student in dealing with the origins of the Albany Plan.

the inspection of this Board.””3 This vote would seem to indicate that more than one plan of union was ready to be submitted to the Congress and that it was the desire of this body that the Committee should be free to prepare other plans and finally to weld the various proposals into a general plan. Franklin, when later referring to the placing of his “Short Hints” before the Commissioners, confirms this to be so in his statement: “It then appeared that several of the Commissioners had form’d plans of the same kind.”4

The question may now be raised as to the plans other than the “Short Hints” that were ready to be presented to the Committee for study. Franklin indicates that there were “several.” Among these was doubtless that of his colleague, the Rev. Richard Peters, Proprietarial Secretary of Pennsylvania, which carried the title “A Plan for a General Union of the British Colonies of North America.”5 This provided for the organization of a “Union regiment” to be formed by the contribution of a company of one hundred men from each colony, to be supported by colonial excise taxes and commanded by officers appointed by the Crown; according to this project, likewise, there was to be not only a “Union Fund” but also a “Fort Fund”; it also visualized the grouping of the continental colonies into four unions for defensive purposes, based upon geographical propinquity and other considerations. In searching for light on other union proposals available for the Committee one must omit, it would seem, that by Thomas Pownall, who was not a commissioner and who only at the last session of the Congress submitted his “Considerations toward a General Plan of Measures for the Colonies.”6 While there were perhaps other plans ready to be digested by the Committee, knowledge of which is lacking, there remain to be considered two surviving plans of union that are so closely related that they may be

3 E. B. O’Callaghan, ed., Documents Relative to the Colonial History of the State of New York Procured in Holland, England and France (Albany, 1855), VI, 860. This will subsequently be referred to as N. Y. Col. Doc. The proceedings of the Congress as here printed were copied from the Board of Trade Papers in the Colonial Office; the reference to this is C. O. 5:6, folios 116–120. The student in America should consult the Library of Congress Transcripts for corrections of the text as printed.
4 Smyth, Writings of Franklin, I, 387.
5 For this see Hampton L. Carson’s The Constitution of the United States (Philadelphia, 1889), II, 472–474; a manuscript copy of this plan in the handwriting of Peters is in the Pennsylvania Archives at Harrisburg, No. 677.
considered as essentially one—that is, one is clearly an amended form of the other. The first is entitled “Plan of a proposed Union of the several Colonies of Massachusetts-Bay, New Hampshire, Connecticut, Rhode Island, New York & New Jersey, for their mutual Defence, & Security, & for extending the British Settlements Northward & Westward of Said Colonies in North-America”; the second, “Plan of a proposed Union of The Several Colonies of Massachusetts-Bay, New Hampshire, Connecticut, Rhode Island, & New York, for their Mutual Defence & Security & for extending the British Settlements Northward & Westward of Said Colonys in North America.”^7

Outside of incidental differences in capitalization and spelling—with here and there a clause added or omitted as the case may be—one of the chief things that distinguishes the two plans is that in the first, New Jersey is included in the amendment of the text, and in the second, it is excluded. Were these two plans for a union of northern continental colonies in existence at the time that the Committee on a Union was appointed? Were they among the “several” presented to it by the Commissioners? No one can answer with certainty upon the basis of the evidence now available. In fact, the only thing that can be said with absolute certainty is that Franklin’s “Short Hints” came before the Committee. By June 28 this group arrived at its first decision: that was to favor the Franklin project of union as a basis for the final scheme. Therefore, in reporting to the Congress, the Committee “presented short hints of a scheme for that purpose of which copies were taken by the Commissioners of the respective Provinces.”^8 On June 29, according to the Journal of the proceedings

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^7 These two plans have been printed in Volume XVII of the Collections of the Connecticut Historical Society (Conn. Hist. Soc. Coll.), and are included in the Fitch Papers (Hartford, 1918), I, 20–29. They were taken from copies, doubtless of the original documents, made by Jonathan Trumbull (Trumble). Albert C. Bates, the editor of the Fitch Papers, indicates that the first of the plans reproduced in the Collections of his society was taken from the same manuscript utilized by the Massachusetts Historical Society in presenting the plan in Volume VII of its Collections (Boston, 1801, and reprinted in 1846). The student is recommended to use the Connecticut Historical Society printing of the plan. The manuscript copies of the two plans are among the Trumbull Papers (Trumbull Papers, M.H.S., I, 93–94) now in the Connecticut State Library. In appearance they are faithful transcripts, with deletions from and additions to the text in the handwriting of Trumbull, and made either from the originals or, more likely, from copies of the two plans of union under discussion. This may well indicate that he felt that the efforts at this period of American history to evolve some workable plan of union would be of interest to future generations.

^8 N. Y. Col. Doc., VI, 863.
of the Congress, "The hints of a scheme for the Union of the Colonies were debated on, but came to no conclusion." In other words, no mention is made in the Journal of the Congress of other plans of union that were considered by the Committee.

It should now be made clear that, unlike the plan that Peters seems to have presented—a plan that was apparently ignored by the Congress and, therefore, not connected with its final proposals on a union—the two plans for a union of northern continental colonies, to which reference has already been made, have a most important relation to the adopted Albany Plan. As will be emphasized, in language and structure they are identical with it, except with respect to those features that show fundamental differences as to the type of union of the colonies envisaged. The student must, therefore, choose between two hypotheses: one is that these two plans were drafted in the course of the proceedings of the work of the Committee on Colonial Union, or after its termination, and were a by-product, as it were, of the logical expansion by Franklin of his "Short Hints" in the direction of the finished Albany Union Plan finally adopted by the Congress; the other is that one at least of the two was in existence at the time that the Committee began its work and was one of the "several" plans that needed to be digested by the group in welding various union proposals into a final harmonious plan. These alternates have the most vital implications with respect to the authorship of the latter, and each must be carefully weighed.

In favor of the first hypothesis the following arguments may be advanced in line with the traditional view that Benjamin Franklin alone was the master architect of the Albany Plan, and that only here and there was he impelled to make modifications in it as the result of the discussions in Committee or in those carried on by the whole body of Commissioners. To begin with, Franklin at no time stated that the Albany Plan was really a composite thing. On the contrary, he seemed to imply that the Plan was entirely his own and only modified here and there against his better judgment by the Congress. Writing to his New York friend Cadwallader Colden on July 14, 1754, at the close of the Congress he says:

The Commissioners agreed on a Plan of Union of 11 Colonies ... the same with that of which I sent you the Hints, some few Particulars excepted.

9 Ibid., VI, 864.
In a letter to Peter Collinson, dated December 29 of the same year, he enclosed a copy of the famous “Motives,” which he had drawn up in support of the Albany Plan, and with reference to the latter stated:11

For tho’ I projected the Plan and drew it, I was oblig’d to alter some Things contrary to my Judgment or should never have been able to carry it through.

Again in that part of his Autobiography, written as late as 1788, he refers to the interest of the Albany Congress in a colonial union and to his own contribution to that end in the following words:12

A Committee was then appointed, one member, from each colony, to consider the several plans and report. Mine happen’d to be preferr’d, and, with a few Amendments, was accordingly reported.

Reinforcing Franklin’s own testimony is that of Thomas Hutchinson, also one of the Commissioners. He writes many years later in his Diary about the work of the Congress:13

The same famous Dr. Franklin was one of the Commissioners from Pensilvania. He with Mr. Hutchinson, were the Committee who drew up the plan of Union, and the representation of the state of the Colonies. The former was the projection of Dr. F., and prepared in part before he had any consultation with Mr. H., probably brought with him from Philadelphia; the latter [that is, the “Representation of the Present State of the Colonies”] was the draught of Mr. H.

The first hypothesis would therefore seem to rest upon a firm foundation: to wit, that whatever other plans of union may have survived, they were but a projection either of the final draft of the “Short Hints” or at least of an intermediate draft made by Franklin. Jared Sparks supports this conclusion. In referring to the plan of union designed to comprehend only colonies lying north of Pennsylvania, he writes:14

Another plan was proposed in the Convention, which included only New Hampshire, Massachusetts, Connecticut, Rhode Island, New York and New Jersey. . . .

11 Smyth, Writings of Franklin, III, 243.
12 Ibid., I, 387. This committee was as follows: Thomas Hutchinson for Massachusetts Bay, Theodore Atkinson for New Hampshire, William Pitkin for Connecticut, Stephen Hopkins for Rhode Island, William Smith for New York, Benjamin Tasker for Maryland, and Benjamin Franklin for Pennsylvania (N. Y. Col. Doc., VI, 860).
13 P. O. Hutchinson, ed., Diary and Letters of Thomas Hutchinson (Boston, 1884), I, 55.
14 Sparks, Works of Franklin, III, 36. It should be borne in mind by the student that in using the words “Northern Colonies” in his “Short Hints towards a Scheme for Uniting the Northern Colonies,” Franklin was using a term frequently, if not customarily, employed by British officials to designate the North American continental colonies in contrast to the Caribbean island colonies.
It is a rough draft of the above Plan [the Albany Plan of Union], with some unimportant variations. It would seem, by the Hints communicated to Mr. Alexander that Franklin himself did not at first contemplate any thing more than a union of the northern colonies.

Sparks, therefore, leaves one with the impression that this limited plan of union may well have been the work of Franklin himself—in other words, an early redraft of the "Short Hints" before the idea of a general union of all the continental colonies but Nova Scotia and Georgia was finally accepted and was set forth in the Albany Plan of Union.

The alternative hypothesis, in taking into consideration all of the above facts and the Sparks assumption, must accept the burden of showing the inadequacy of these to explain all other known facts respecting the activities of the Albany Commissioners.

To begin with, Franklin himself in referring to his "Short Hints" declared in his Autobiography, as has already been indicated, that "several of the commissioners had form’d plans of the same kind. . . . A committee was then appointed . . . to consider the several plans and report."15 There were, therefore, if this statement is correct, "several" plans of the "same kind" that came before the Committee at the time that the "Short Hints" was submitted. The Journal of the Congress, as also previously indicated, leaves the same impression when it voted for a committee "to prepare and receive Plans or Schemes for the Union of the Colonies, and to digest them into one general plan for the inspection of this Board."16 There will be little objection, doubtless, among those holding most closely to the traditional interpretation, to including the Peters project among the "several" submitted at the time of the setting up of the Committee, but great objection, because of the wide implications involved, to including either of the two plans for a limited union of northern continental colonies. Yet it is logical enough to suggest, unless valid arguments can be advanced against the inclusion of one or both of these plans, that an assumption can fairly be made that one or both were among the "several" plans submitted before the actual work of evolving a final Plan of Union was begun. The Peters plan, it must be made clear, does not comprehend the idea of "several," nor was this plan "of the same kind," as the "Short Hints."

15 Smyth, Writings of Franklin, I, 387.
16 N. Y. Col. Doc., VI, 86o.
The attention of the student is again called to the fact that up until the evening of June 29, the Commissioners as a body, insofar as they concerned themselves with the question of colonial union, were apparently engaged in discussing the merits of the original Franklin plan. The Journal records for the afternoon of that day: "The hints of a scheme for the Union of the Colonies were debated on, but came to no conclusion."17 It would therefore appear that the copies of "the short hints of a scheme," distributed the afternoon of the preceding day, still had the attention of the Congress. As to the Committee on the Union, from its appointment on June 24 until July 1, it had but a single duty: that of preparing a unified project of union. On the latter date the Congress determined, however, to call upon this body to prepare, in addition, "a representation of the present state of the Colonies." The Journal for July 1 also records, perhaps not without some significance, "The Plan of Union of the Colonies was debated but the Board came to no resolves upon it."18 In other words, from July 1 onward no further reference is made in the Journal to "Short Hints towards a Scheme for Uniting the Northern Colonies," but, instead, to "the Plan of Union." Is one to assume, therefore, that between June 29 and July 1, a period of some forty-eight hours, Franklin transformed the rather crudely drafted "Short Hints" into something approximating the final highly finished draft of the "Plan of a proposed Union of the several Colonies of Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jerseys, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, for their mutual defence and security, and for extending the British Settlements in North America"—to give the exact title of the Albany Plan of Union? One may be reasonably sure that if the two plans providing simply for a union of the more northern colonies stemmed, in language and form, from the Franklin drafting process, they must have come into existence sometime after July 1 and also after the debates that had already taken place in the Congress on June 29 and on July 1. But this possible easy solution of the problem faces difficulties. To begin with, Franklin, who either at Albany or soon after leaving that city, drew up the "Reasons and Motives on Which the

17 Ibid., VI, 864.
18 Ibid., VI, 868.
Plan of Union was Formed,"\(^{19}\) in the section entitled "Reasons against Partial Unions," states:\(^{20}\)

It was proposed by some of the Commissioners to form the colonies into two or three distinct unions; but for these reasons [that is, those thereupon given which are six in number] that proposal was dropped even by those who made it... The proposals by certain of the Commissioners in favor of partial unions, to which reference is made, could have been made late in the proceedings of the Congress, it is true, and then dropped as the result of arguments advanced against these sectional unions. But it seems to be clear that one delegation, at least, came to Albany very definitely committed to the idea of two unions rather than one union. That from Massachusetts Bay, in reporting to the Governor's Council on October 25, 1754, after their return to the Province, stated:\(^{21}\)

Your Commissioners were in doubt, whether it might not be convenient that the colonies should be divided into at least two Districts, as the great distance of the two Extream \(\textit{sic}\) parts of his Majesty's Governments from each other, must render it always very burthensome to some or other of the members to give their attendance, be the place of meeting where it will and in a Government of so large an extent there will be danger of some parts being neglected or unequally considered; but as the designs of the French may probably require the united strength & Councils of the whole British Continent and as it seems to be of the last importance that all affairs Which relate to the Indians should be under but one direction, and considered without any special regard to any particular Government we were induced to prefer the present plan [that is, the Albany Plan of Union].

The project of union designed to include only New Jersey, New York, and New England carried, it is of interest to note, a proposal for another union to include all the more southern colonies with the exception of Georgia.\(^{22}\) It also carried another proposal, which reads as follows:\(^{23}\)

That in the said General Union, The Ordering & Direction of the Affairs Yi of [thereof] be administered by one President General, who shall be The Governour of The Province of the Massachusetts-Bay for The Time being, and a Grand Council to be chosen by the Representatives of the People of the Said Colonies met in their respective Assemblies.

20 \textit{Ibid.}, III, 205–207.
21 Massachusetts Archives, 4:463 (State Archives, State House).
Now it would appear that the Commissioners from Massachusetts Bay were particularly interested in establishing a connection between the chief executive of the partial union and that of the Province. At least we have the testimony of one of the members of the Governor’s Council of New York, Attorney General William Smith, who attended the Albany Congress, that Governor DeLancey hinted “that Massachusetts acted with an aim to procure the President’s chair for their Governor, and predicted, as he well might, that it would not be much encouraged by New-York.”

In other words, the impression that one gets is that the Massachusetts Bay delegation came to Albany with a pretty definite program, including a project of a union of the northern colonies designed to add to the prestige of the Province, but was thwarted by the opposition to it. This would seem to identify the commissioners of the colony with the “Plan of a proposed Union of the several Colonies of Massachusetts-Bay, New Hampshire, Connecticut, Rhode-Island, New York & New Jersey, for their mutual Defence, & Security, & for extending the British Settlements Northward & Westward of said Colonies in North-America,” which set forth the very ideas that the Massachusetts Bay delegation stood for. Moreover, this plan of union has been traditionally connected with the name of Thomas Hutchinson, one of the commissioners. All of this


25 Mr. Albert C. Bates, former Librarian of the Connecticut Historical Society and the very competent editor of its publications, in a footnote in Volume XVII of its Collections (The Fitch Papers, I, 20), in connection with the reproduction of the plan, indicated that it was “sometimes called Hutchinson’s Plan.” Also in his Introduction to these same Papers he writes (p. xxviii): “Regarding the Plans of Union presented at Albany, and fathered by Franklin and Hutchinson, their stated objectives are itemwise perfectly lucid on the surface, as the unstated ones are equally so below the surface. . . .” In other words, to Mr. Bates the evidence of Hutchinson’s authorship of the above plan is such that it hardly needs laboring.

As to the composition of the delegation from Massachusetts Bay, it was as follows: Colonel John Chandler, Judge of the Worcester County Court, Oliver Partridge, a leader of the western Massachusetts Bay men, the Hon. Samuel Welles, John Worthington, Esq., and the Hon. Thomas Hutchinson. It has not been possible for the writer to find evidence up to the present that any of the above, outside of Hutchinson, ever showed any active interest in the formulation of a plan of union. Their names are not included among those subsequently appointed by the two houses of the Massachusetts Bay Assembly to the joint-committee on a colonial union; further, two of them, Welles and Chandler, in voting on the question of a general or partial union that took place in the Assembly on December 14, cast their votes against a partial union (Journal of the House of Representatives [Boston, 1754], 152-153). As to Partridge and Worthington, they are not recorded as participants in any of the activities
is evidence to support the second hypothesis that at least one of the two partial union plans had been formulated before the Committee on a Colonial Union was appointed on June 24, and was one of the “several” plans turned over to it. Further, it should be pointed out that the only colony that was definitely committed to the formation of a colonial union was Massachusetts Bay. The Assembly of the Province, in fact, specifically called upon its Commissioners to work for “a general, firm & perpetual union & confederacy, for mutual assistance by men or money or both, in peace & in War.”

Are we to assume that the delegates of the dynamic Bay colony waited about idly for weeks after receiving their instruction on April 19, until the Albany Congress would convene and some Carlylian “Great Man” appear who could guide their faltering hands in sketching out some project of union that would fulfill the expectations of their Assembly? The whole idea seems utterly preposterous to one who has followed closely the activities of the men of Massachusetts Bay of the eighteenth century and has noted the quality of leadership that they consistently brought to bear upon American affairs. In fact, it is hard to imagine that they did not bring to Albany not only a project, but a most carefully worked out project, for colonial union that would give the Province what it had asked the Commissioners to secure. That this project was not the above stated Plan of Union with minor modifications, or at least a carefully worked out draft of this plan, can hardly, it would seem upon the basis of what information is at hand, be seriously asserted.

relative to the establishment of a union; in the case of the former, his western Massachusetts Bay background and outlook would, if for no other reason, be at least prima facie evidence against his authorship of the Plan. In contrast, Hutchinson, who, for reasons best known to himself never acknowledged in any of his writings an interest in colonial union, was deeply involved in the work of the Assembly in the direction of creating a colonial union after his return from Albany. It is not without significance that he favored a partial union and voted accordingly and then framed a general plan of union to be submitted to the Assembly. (See The British Empire before the American Revolution, V, 154-157). His inclusion on the Albany Committee on a Colonial Union by his colleagues would also seem to argue that, if anyone among the Massachusetts Bay delegates had drafted a project of union, he had done so.

26 For powers vested in the various delegations by the respective Assemblies, see The British Empire before the American Revolution, V, 114-117.

27 See the instructions drawn up for the guidance of the Massachusetts Bay delegation, Massachusetts Archives, 4:471.
Indeed, on the last page of the manuscript copy of this plan among the Trumbull Papers in the Connecticut State Library is penned on the margin the notation in a hasty scrawl: "plan of Union opposed N 1." This would seem to mean that not only in the mind of the unknown person who inscribed it was the plan not a mere exercise and that it was up for consideration before some group and was opposed even in the amended form given in the transcription of it by Trumbull, but that it enjoyed as "N 1" plan a certain precedence over a second plan that follows it in the Trumbull Papers. Moreover, contrasting it with the roughly drafted Franklin "Short Hints," there is a logical precision, a clearness, a grasp of complicated details, an all-in-all maturity of treatment that sets it quite apart from the latter and argues strongly against the assumption that it could possibly have been thrown together on the spur of the moment by any individual. In this respect it may be compared with the "Plan of a proposed Union of The Several Colonies of Massachusetts-Bay, New Hampshire, Connecticut, Rhode Island, & New York, for their Mutual Defence & Security & for extending the British Settlements Northward & Westward of Said Colonys in North America." The latter would seem to represent a revision of the former unamended "Plan" by some delegate or delegates from one of the colonies other than Massachusetts Bay after the Commissioners of the latter had arrived in Albany and had perhaps distributed their proposal. 28

As to the second more limited plan of union, embracing but New England and New York, it shows hostility to the idea of combining automatically the office of Governor of Massachusetts Bay with that of President General of the Union and provides instead: "That The Said General Government be administerd by one President General to be Chosen & Appointed by a Grand Council to be Chosen by the Representatives of The people of The Said Several Colonies met in their Respective Assemblies. . . ." 29 It then goes on to indicate that when the Grand Council shall first meet, at such a time as shall be indicated by "The Governor of Boston," the latter would preside and

28 Conn. Hist. Soc. Coll., XVII, 25–29. That the second New England plan was based upon the first is rather clearly indicated by the hurried and only partial copying of the paragraph relating to the establishment of a general treasurer and a particular treasurer in each colony. It reads: "That the President & Grand Council may Appoint a General Treasurer & a particular Treasurer in Each Governor's When Necessary, etc. etc." Ibid., XVII, 23–24, 28.

29 Ibid., XVII, 26.
“Lead The Members of The Grand Council To the Choice of a President General.”

The organic connection between the two plans is, in spite of these differences, nevertheless obvious; equally obvious is the organic connection of the two with the final Albany Plan. The second hypothesis might, therefore, appear to be on even firmer ground than the first, set forth earlier in this paper. But just as there are manifest difficulties in establishing firmly the first, in view of existing facts, so there are manifest difficulties in establishing firmly the second, in view of other existing facts. Among these that do not yield easily are certain similarities, even identities between the “Short Hints” and the so-called Hutchinson Plan of union and the other more limited plan. The similarities include such features as proportional representation on the Council, the payment of its members, its powers to make western settlements, as well as those that it would possess for raising and paying soldiers; more embarrassing than these similarities, however, is the identity of the name of the Council—the “Grand Council”—employed in all three of the plans. Unless the student resigns himself to the fact that he is face to face with a remarkable coincidence that two of the three plans drafted quite independently of one another contained these things in common, he will be compelled to admit that, with every assumption in favor of the fact that the Massachusetts Bay delegation came with a carefully formulated plan, any plan that it brought was doubtless modified, at least in details, after the author of it had had access to the Franklin “Short Hints,” particularly with respect to the name of the Council; or, if not, that Franklin had had access to the former plan before he completed his “Short Hints.”

Indeed, one may well advance the hypothesis that the surviving copy of what was the original northern plan of union that has come to light in the handwriting of Jonathan Trumbull (Trumble), as already indicated, is a copy of a copy of it secured by one of the Connecticut

30 Ibid. This second New England plan does not include, it may be noted in passing, any reference to a second and southern colonial union.

31 N. Y. Col. Doc., VI, 889-891; Conn. Hist Soc. Coll., XVII, 20-29. The question may be raised, to which at present there is no answer: Could Franklin before the completion of his draft of a plan of union—perhaps upon arriving in New York—have received information as to the details of a plan that had already been prepared by a member of the Massachusetts Bay delegation to the Albany Congress?
Commissioners only after the original plan had been submitted to some revision; further, it is likely that this commissioner, perhaps in consultation with his colleagues from the colony, also made those additional alterations in it to form the second New England plan—including the elimination of the organic connection between the chief executive of the union and the governorship of Massachusetts Bay—to conform more closely to a project of union that Connecticut might be counted on to support; and, finally, with this accomplished, he may well have presented this revision of the revised New England plan for the consideration of the Committee of the Congress. The above broad hypothesis at least avoids many difficulties in reconciling facts otherwise difficult to reconcile. One test of its validity should be that it must not do violence to all pertinent facts that are beyond controversy; on the contrary, it must be in harmony with some valid interpretation of them.

As was previously indicated in quoting from Hutchinson’s *Diary*, Franklin was given the chief responsibility on the Committee on the Union for the drafting of the final plan that would emerge out of the “several” presented to it. The work of the Committee, also, as previously indicated, came before the whole conference for discussion on June 29 and on July 1. On July 2 it was again considered and, after some debate, “the question was then put, whether the Board should proceed to form a plan of union of the Colonies to be established by Act of Parliament which passed in the affirmative.” Again on July 4 the “Plan for a Union” was the subject of further deliberations, “but no resolves were made thereupon,” and the day following, it was still further discussed without arriving at any decision. Other matters called now for the attention of the Congress and it was not until the 8th that the project for a union was again subject to consideration. However, on the 9th the outlines of the Plan were “agreed upon, and Mr. Franklin was desired to make a draught of it as now concluded upon.”

The next day it was presented as drafted for final action and adopted.

To what extent the project was modified at any stage after Franklin had carried through his redrafting feat, in the process of which both the title and form of the “Short Hints towards a Scheme for

32 *N. Y. Col. Doc.,* VI, 868.
33 *Ibid.,* VI, 875, 877, and 885.
Uniting the Northern Colonies” disappeared in favor of the “Plan of Union,” cannot be indicated by any information now available. We are in the dark even as to when the formal title—“Plan of a proposed Union of the several Colonies of Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, for their mutual defence and security, and for extending the British Settlements in North America”—was adopted, and equally so as to the extent to which the Committee, in the process of evolving the final plan, carried out its mandate to consider, according to Franklin, the “several Plans or Schemes” laid before it “and to digest them into one general plan for the inspection of this Board.”

That the final Albany Plan of Union may, nevertheless, be accurately described as a composite plan, there can be little doubt; and yet there is even less doubt that it contained in a new and dignified dress the essentials of the “Short Hints.” In the latter Franklin favored a single union for all the colonies on the continent not in receipt of special protection from the King; this union, he also felt, should rest on nothing less than an act of Parliament so that the colonies might not join or leave it simply at will. A loyal Englishman at this period, he moreover saw such a union strengthened in the appointment by the Crown of its executive head and in the giving of this executive the right of veto; he further contemplated the setting up not only of a powerful union legislative council, that would possess the authority to tax, but a union treasury. Finally, he thought that the union should promote western settlement. All these features, fundamental in nature, reappeared in the final project of union. He could therefore feel, and with good reason, that his major original proposals had survived all debate and had become the foundation of the Albany Plan of Union.

On the other hand, the extent to which the final Albany Plan represented a welding together, as the Congress contemplated, of the “several” proposals laid before it would seem to be indicated by the following features not embodied in the “Short Hints,” but set forth in the New England plans—assuming that these were among the “several” projects that came to the Committee:

1. The length of service of the members of the Council and the specific payments guaranteed for these services by the Union government and not by the respective colonies.
2. The rights of the Council with respect to the dissolution, prorogation, and the length of sessions of that body.

3. The provision for annual meetings of the Council.

4. The method of summoning the members to special meetings of the Council.

5. The introduction of the idea of a quorum for the transaction of business of the Council.

6. The principle that in establishing western settlements, the quitrents levied upon the lands of these settlements should go into the general treasury of the Union.

7. The appointment of a union treasurer for each colony in addition to a general union treasurer—therefore providing for a complete fiscal union system.

8. The provision for an annual settlement of the accounts of the Union government with the reference of these accounts to the colonial assemblies.

9. Finally, the title that the Albany Plan carried.

Beyond all the above features, some of which are exceedingly important and none of which are trivial, in view especially of their implications with respect to the broad outlines of the new central government to be created, there is also to be considered the formal structure of the final plan.

If one is to assume that at least one of the two plans for a limited government of the northern continental colonies was among the "several" submitted to the Congress and rejected by the Committee on the Union; if one is also to assume, in this connection, that the Massachusetts Bay Commissioners took seriously their assignment by the Assembly to strive to set up "a general, firm & perpetual union & confederacy," the proposals that they brought must have been, as was earlier suggested in this article, worked out with great care as to details as well as to fundamentals. One may, therefore, hazard the opinion that this is reflected in the structure and language of the Albany Plan of Union. Indeed, it is remarkable that at no point in the latter is the phrasing of the "Short Hints" used as a model. In contrast to this, either the verbatim or carefully paraphrased language of one or the other of the two surviving plans for a limited union is employed—except in those portions out of keeping with the Franklin conception of a general union of the colonies, to the government of which he would give great powers, including the right to levy directly upon the property of citizens of the colonies, and to possess its own armed forces, forts, and a navy. Those who would brush away lightly the above assumptions are, it may be pointed out, caught on the horns of a dilemma. For they are in-
evitably compelled to make an assumption even less tenable: to wit, that the Massachusetts Bay delegation, in spite of its instructions, came to the Congress with empty hands and that no plan of theirs was among the "several" presented to that body.

At first thought the possibility, if not the probability, that the Albany Plan of Union drafted by Franklin was finally arrayed in borrowed clothes would seem to bring some discredit upon America's most distinguished citizen of the eighteenth century. On the contrary, if the essentials, the flesh and bones, of Franklin's project as set forth in the "ShortHints" survived in it, the adoption of the dress of another competing plan that was repudiated was not an unfair concession, if such were the case, and fully carried out the spirit of the injunction of the Congress "to digest" the various projects for a union in formulating a final proposal. Seen in this light, such a concession in no way reflects upon the work of the distinguished chairman of the Committee. This is in harmony with the views later expressed by Hutchinson in his History of Massachusetts, in which, in summarizing "the capital parts of the plan," he states:34

The plan for a general union was projected by Benjamin Franklin, Esq., one of the Commissioners from the province of Pensilvania, the heads where of he brought with him.

The foregoing analysis of the origin of the Albany Plan of Union may now be summarized. A choice must be made between two hypotheses. One, the traditional hypothesis, assumes that this famous document, submitted by the Committee on Colonial Union to the Albany Congress and amended in some particulars by the latter,

34 Thomas Hutchinson, The History of the Colony and Province of Massachusetts Bay, ed. by Lawrence S. Mayo (Cambridge, Mass., 1936), II, 16.

The problem of the authorship of the Albany Plan of Union is not the only one connected with the work of Franklin. Students of his life are well aware of the controversy respecting the authorship of The Interest of Great Britain Considered, With Regard to her Colonies, and the Acquisitions of Canada and Guadeloupe that appeared anonymously in 1760. What portions of it, if any, were supplied by Richard Jackson of Inner Temple? Is it true, as asserted in 1780 by Baron Francis Maseres, also of Inner Temple, in a letter to Franklin's publisher, Vaughan, that certain specific portions of the pamphlet there indicated were actually contributed by Jackson? What is to be made of Vaughan's reply: "The affair of the Canada Pamphlet has now become too delicate for the editor again to intermeddle in it. He observes that Mr. Jackson's present claim goes to about ½ of the pamphlet" (Carl Van Doren, Letters and Papers of Benjamin Franklin and Richard Jackson, 1753-1785 [Philadelphia, 1947], 10-13)? Dr. Van Doren's conclusion is: "The voice speaking through these passages may be Jackson's but the hand that wrote them is Franklin's." Ibid., 16.
is quite independent in origin from any other project of union than that of the "Short Hints" and possibly certain drafts that were made by Franklin, chairman of the Committee, in the process of its evolution. The other hypothesis assumes that the Plan is a composite one, in the sense that it preserved the leading ideas of the "Short Hints," but utilized the structure and language of another project of union—or other projects—that came into existence quite independent of either the latter or of the Albany Plan of Union, and was submitted to the committee for consideration at the same time that this body secured the "Short Hints." The first hypothesis rests upon reading into the language employed by both Franklin and Hutchinson to describe the part that the former played in working up of the final project, a meaning that would credit him with furnishing not only its ideas, but its structure and language. The second hypothesis rests upon reading into these same remarks no more than that all of the larger principles embodied in the "Short Hints" were re-embodied in the Albany Plan of Union. Each hypothesis would, therefore, accept the fact that the plan finally approved was the Franklin plan—but with a difference in meaning.

The second hypothesis, since it breaks with the traditional interpretation, must be prepared, if it is to be accepted, to carry, as was stated, the burden of proof. The latter takes the form, as it were, of a chain of evidence, some of it positive and some of it circumstantial in nature, but all of it so mutually consistent as to combine to argue strongly for the validity of the hypothesis. This chain is composed of the following links:

1. The Province of Massachusetts Bay was the only colony in the spring of 1754 definitely committed by its Assembly to the idea of a colonial union, and the only colony that instructed the delegates to work for a permanent union or confederation.

2. To argue that it was unlikely that the Commissioners of this colony brought any plan with them in harmony with their instructions to press upon the Congress would seem to shift the burden of proof upon those who would not hesitate at the same time to admit that, although not instructed to do so by their Assembly, two Pennsylvania delegates drew up plans independent of other plans for the Congress.
3. There exists a plan that conforms to the ideas that the Massachusetts Bay Commissioners stood for at the Congress before they were persuaded to change their views. According to De Lancy these delegates had sought to combine the office of President General of the Union with that of the Governor of Massachusetts Bay; according to the Massachusetts Bay Commissioners themselves, they had sought at the Congress at first to create two unions rather than one union. There is evidence supported by both Franklin’s testimony and the Journal of the Congress that “several” plans other than the “Short Hints” were presented to the Congress and referred to the Committee on Colonial Union to be studied and utilized by the latter in the framing of a comprehensive plan to be submitted to the Congress. It would be logical to suppose that under the circumstances this New England project was one of the plans submitted.

4. The surviving copy of the New England plan in the handwriting of Jonathan Trumbull (Trumble) appears to show the influence of Franklin’s “Short Hints,” as does the second New England plan, also in his handwriting, which seems based upon the first. This might imply that any such plan for a northern union that was worked out independently before the Congress convened was modified, probably after it was brought to Albany and before the second New England plan took shape. However, the surviving amended copy of what was the original shows that in the drafting of the latter much care was expended on the details of the proposals it contained, which would fit in with the theory that the person responsible for the original draft and presumably a member of the Massachusetts Bay delegation took his assignment from the Assembly seriously after being commissioned in April.

5. Evidence of an indirect nature points to Hutchinson—a member of the Council, and in 1761 to become Chief Justice of the Province—as the author of the New England plan: there is positive proof that in December, 1754, he favored a partial rather than a general union; it is reasonable to believe that he would have favored the identification of the head of this union of the more northern continental colonies with the office of Governor of Massachusetts Bay; his designation to the Congress Committee
on Colonial Union by his colleagues from the Province would lend weight to the theory that whatever plan was evolved for carrying out the mandate received by the delegation from the Assembly was worked out by him; further, he was the only one among those delegates who later manifested an active interest in any project for colonial union. Therefore, any failure on his part in his Diary or his History of Massachusetts Bay to disclose an active interest in promoting a colonial union does not invalidate the established fact of that intense interest in 1754, but might well argue that at the time the Diary, as well as the History, was being prepared for publication his cautious mind reacted against making any disclosures that conceivably, by misinterpretation, might react unfavorably against him—first as a high official of the British government and then later as an exile living on the bounty of the British treasury.

6. The chronology of events at the Albany Congress provides a strong presumption against the theory that the New England plan was an offshoot of the final Albany Plan or some plan intermediate between the "Short Hints" and the latter that Franklin drafted. On June 28, four days after its appointment, the Committee on the Union decided to submit to the Congress the "Short Hints" as the basis for the union to be evolved; this would indicate that a decision in the Committee was taken in favor of a general union, such as Franklin had in mind. The decision of the Congress itself that same day to have copies of the "Short Hints" made for the members would likewise seem to indicate that this body accepted the recommendations of its committee; for had there been serious indecision on this point, one might reasonably conjecture that the Congress would have requested copies of other plans submitted to the Committee. In other words, there is an indication that debate, at least over rival plans, had by this time ceased within the Committee and in the Congress. Both the Massachusetts Bay delega-

35 For Hutchinson's later interest in 1754 in plans of union, see The British Empire before the American Revolution, V, 152-157. As C. F. Mullett has pointed out in his article, "Tory Imperialism on the Eve of the Declaration of Independence," Canadian Historical Review, XII (1931), 267 (note), Hutchinson, before the open break between the colonies and the mother country, "did advocate the founding of several unions of the colonies with separate governments for each group. He favoured small unions rather than one large one, as making for less independence."
tion on its return from Albany and Franklin in his "Reasons and Motives" indicate that the demand for two unions rather than one was dropped, after debate, by those who made it. Further, a notation on the margin of the manuscript of the so-called Hutchinson Plan also indicates that it was opposed by some group.

7. If the point just made be accepted as sound, in what respects would it have been rational for any delegate to have given his efforts to setting forth a plan in the last days of Congress that was completely out of touch with the decision of that body? Again, Hutchinson during these last days of the Congress—that is, from July 1 onward—was deeply involved in the preparation of the elaborate "Representation on the Present State of the Colonies," and would hardly have had time to waste on a laborious exercise in planning a union project that did not interest the Congress after the decision of June 28. Nor is this in keeping with his approach to public affairs or the position that he was led to take in the "Representation"—after the decision of the Congress in favor of a single union—in which it was recommended: 36

that there be a Union of His Maj's several Governs on the Continent, that so their Councils, Treasury and strength may be employed in due proportion against their common enemy.

That he later reverted to his preference for a partial union can be accounted for by the fact that he was doubtless led to realize that the Albany Plan was being buried in the colonies under an avalanche of criticism.

8. If the above chain of evidence is valid in establishing the probable date of origin of the New England plan of union to be prior to the gathering of the Congress, it would follow that the Albany Plan of Union must be a composite document blending the ideas of the "Short Hints" with the general form and elaboration of the so-called Hutchinson Plan, except at those points where divergencies in fundamentals would require departure from it.

It is now desirable, before bringing this paper to a close, to place in contrast and comparison what may be called the primary New England plan as it has survived and the Albany Plan, to test the

validity of the proposals of each in light of their applicability to the American scene in the year 1754, and the sensitiveness of each to what may be called the American "climate of opinion." Both the "Short Hints" and the Albany Plan with respect to the latter possessed a fatal weakness: neither took sufficiently into consideration the extreme particularism of the colonies to be comprehended within the projected union—especially their jealousy of sharing with another and superimposed government the precious rights of raising and disbursing taxes. The framer of the New England plan must have realized this danger—in skillfully adhering to political procedures that had already found expression, if not full acceptance, in the colonies.

New England, as is well known, maintained for a period of forty years in the preceding century its "Confederation." This had functioned fairly effectively under the acknowledged primacy of the government of Massachusetts Bay, in the requisitioning of men and money upon the member colonies when action was required. In reviving the confederation in the project under consideration, so as to comprehend not only all of the New England colonies but the two rather weak colonies of New York and New Jersey—thus re-establishing the geographical limits of the old Dominion of New England—it might well have been thought that the advantages to be gained by all the colonies included and in particular by New York (by this means enabled to depend upon the ample resources of men and money of the populous and highly prosperous colonies to the east in defending its exposed frontiers) would go far to overcome any natural reluctance of any one of them toward union. Moreover, the Plan adhered scrupulously to the requisition principle—a principle that Franklin himself later acknowledged that the colonies were devoted to when he appeared before the British Minister, George Grenville, in 1764, to urge the continuance of requisitions as a substitute for the proposed stamp tax—and in its scope scarcely went beyond the New England concert of King George's War, which under the primacy of Massachusetts Bay had to its credit the capture of the great fortress of Louisbourg.

37 This was limited between 1643 and 1662 to Massachusetts Bay, Plymouth, Connecticut and New Haven, and between 1662 and 1684 to the first three with New Haven now a part of Connecticut.
In thinking in terms of the bitter hostility expressed by both the New Jersey Assembly and that of Connecticut toward the Albany Plan, as well as its ultimate unanimous rejection by the assemblies of Pennsylvania, Rhode Island, and Massachusetts Bay—not to refer to the contemptuous indifference of other colonial governments toward it—it is hard to avoid the conviction that the influence of Franklin's infectious enthusiasm upon the Congress in favor of the immediate establishment of a powerful union government was unfortunate from the viewpoint of the immediate outcome of its labors. He sought to take a leap, not, apparently, realizing that one halting, reluctant step at a time is, after all, the characteristic tempo of the English-speaking world in moving ahead with political change, no matter how desirable. It may indeed be stated that every major modification that he made and secured of the Congress in departing from the basic features of the New England plan—outside of freeing the President General from identification with the office of Governor of Massachusetts Bay and the extension of the scope of the plan to include most of the more southern colonies—to that degree lessened its chance of popular approval and acceptance in America. It is clear that for the moment he lost touch with the one group that he was supposed to understand so well—the common people of the colonies, something that the architect of the New England plan did not. If one were to accept Thomas Hutchinson as the architect, which a good deal of indirect evidence would seem to indicate was the case, how far is it possible, therefore, to accept the thesis of Frothingham when, in referring to the work of the Albany Congress Committee on a Colonial Union, he wrote that 

two political schools were about equally represented in the committee. . . . In Hutchinson it was the vision of a clear intellect distrusting the capacity and intelli-

38 For an extended discussion of this see Chapter V, "The Fate of the Plan of Union" in the fifth volume of The British Empire before the American Revolution.

39 On only one other occasion does it seem that Franklin temporarily lost touch with the common people of America. In writing from England in 1765 to his friend John Hughes of Philadelphia, for whom he had secured the stampmastership for Pennsylvania, regarding possible tumults in America as the result of the Stamp Act, he says: "In the meantime, a firm Loyalty to the Crown & Faithful Adherence to the Government of this Nation, which is the Safety as well as Honour of the Colonies to be connected with, will always be the wisest Course for you and I to take, whatever may be the Madness of the Populace or their blind Leaders, who can only bring themselves and Country into Trouble and draw on greater Burthens by Acts of rebellious tendency." Smyth, Writings of Franklin, IV, 392.
gence of the people. In Franklin it was the insight of a philosopher . . . determined
to labor for the liberties of his Country?  

Surely, unless one accepts the unhistorical method of reading into a
period the attitudes and positions of people that are characteristic
only of a subsequent period of history, there is something incon-
gruous, to say the least, in this generalization of the ground occupied
respectively by these two distinguished American colonials at Albany
in 1754.

But there are other considerations to be kept in mind in bringing
into contrast and comparison the two plans of union. Granting that
the New England plan would have stood a much better chance of
adoption had the Albany Congress accepted it and modified it in
certain particulars, than would the Franklin plan; granted that it was
more in tune with the thinking of most colonials of this period and
that Hutchinson, if he were the author of it, was at this juncture
more closely in touch than was Franklin with what one may call the
realities of the colonial political situation, one may at the same time
affirm that while the America of 1754 was in the keeping of those who
thought with Hutchinson, in spite of the apparent repudiation of the
New England project by the Committee of the Congress, the future
was to be in the keeping of those who thought with Franklin, in
spite of the hostility evoked against his ideas in all the colonies that

40 R. Frothingham, Rise of the Republic of the United States (Boston, 1872), 140–141.
Equally superficial is the characterization of Hutchinson by V. L. Parrington in his The
Colonial Mind, 1620–1800 (New York, 1927), 194–206. This distinguished writer would hardly
have written in the vein that he did had he studied with care the activities of Hutchinson
during the 1750’s and particularly his championship of the cause of those distressed Acadians,
who in 1755 and 1756 were dumped on the shores of Massachusetts Bay. His humaneness, his
really tender solicitude for the orphan children of the stricken widow Benoit (who passed away
in his home), his willingness to carry to the Crown itself a demand for the compensation of the
Acadians for the loss of their possessions (provided only that these exiles would sign a memorial
asking for reimbursement as those who had pledged fidelity to the King of England) and his
unsuccessful contest with the Assembly over his right to continue to offer asylum to some of
these distressed people in his Boston home, is about the only really bright page in an otherwise
very sombre chapter in the history of Massachusetts. His cold, calculating aloofness from
people other than fellow aristocrats, as pictured by Parrington, does not harmonize with the
rôle he played at this period. For not only was he the friend of the Acadians, but the champion
of those distressed, impoverished frontiersmen living on the upper Connecticut at “No. 6,” who
came under New Hampshire jurisdiction much against their will. It was to Hutchinson that
they appealed for aid, it was he who went to England to plead their cause, and in 1757, in the
midst of the war between the French and the English, it was to him that they successfully
appealed again to persuade General Loudoun to provide them with a military guard.
gave any serious consideration to his Albany Plan of Union. Indeed, one may further affirm that it was better, when thinking in terms of the future of America, for Franklin to have pressed ideas that were much too advanced to find favor in the rather frigid atmosphere of colonial isolationism and to have failed, than for the more practicable New England plan to have prevailed for the useful purpose of meeting the grave crisis in international affairs in North America. For while the project of the former looked to a developing political unity among all the people within the older colonies on this continent, that of the latter with its proposals for two unions might have confirmed and hardened a sectionalism that existed even in 1754 and that continued to be an ominous force in the history of the American people for the next century; it might have fastened upon this country what the South sought to bring to realization in 1861—two nations, rather than one "indivisible" American union.

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Lawrence Henry Gipson
A NEW ENGLAND PLAN OF UNION


[Par. I]

[Par. II]
That humble application may be made for an Act of the Parliament of Great-Britain, by Virtue of which one General Union may be formed, including all the said Colonies, within and without, & for extending the British Settlements Northward & Westward of said Colonies in North-America.

[Par. III]
That in the said General Union, The Ordering & Direction of the Affairs of the said Union shall be by one President-General, who shall be The Governor of The Province of the Massachusetts-Bay for The Time being; and a Grand Council to be chosen by the Representatives of the People of the Said Colonies met in their respective Assemblies.

[Par. IV]
That within six months after the passing such Act, The House of Representatives in the Several Assemblies that happen to be at Sitting at that time, or that shall be specially convened for that purpose may & shall choose Members for the Grand Council in the following proportions.

A SECOND NEW ENGLAND PLAN OF UNION


[Par. I]

[Par. II]
That humble Application may be made for an Act of The Parliament of Great-Britain, by Virtue of which one Government may be formed In America, including all The Said Colonies, within & under which Government Each of said Colonies may retain its present Constitution, except the particular provisions wherein a Change or alteration may be directed by said Act, as hereafter follows viz.

GRAND COUNCIL.

One member to be chosen by the Assembly of each of the smaller colonies, and two or more by each of the larger, in proportion to the sums they pay yearly into the general treasury.

MEMBERS' PAY.

Shillings sterling per diem, during their sitting, and mileage for travelling expenses.

PLACE AND TIME OF MEETING.

To meet, at least, six times in every year, at the several towns of each colony, by common consent, unless particular circumstances and emergencies require more frequent meetings, and alteration in the executive powers. The Governor-general to judge of the circumstances, &c., and call by his writs.

GENERAL TREASURY.

Its fund, an excise on strong liquors, pretty equally drunk in the colonies, or duty on liquor imported, or an excise on each license of a public house, or excise on superfluities, as tea, &c. &c. All which would pay in some proportion to the present wealth of each colony, and increase as that wealth increases, and prevent disputes about the inequality of quotas. To be collected in each colony, and lodged in their treasury, to be ready for the payment of orders issuing from the governor-general of the Grand Council in The following proportions.
That the Grand Council shall never be dissolved, prorogued, nor continued sitting longer than four weeks at one time without their own consent, or the Special Comand of The Crown.

That the Grand Council shall have a casting Vote whenever an Equi-vote shall happen in the Grand-Council.

That the Grand Council shall Annually Settle a Salary to be allowed & paid To The President General for his Service not exceeding the Sum of £—Sterling.

That a Quorum of the Grand-Council to Act with the President General do consist of twelve Members, Among whom There shall be one or more from a Majority of the Colonies.

That the Members of The Grand Council shall be Allowed for Their Service 10° Stere per Diem during their sessions & Journey to & from The place of Meeting 20 miles to be reckoned a Days Journey.

That The President General with The Advice & Consent of the Grand Council hold & Direct all Indian Treaties in which The General Interest or Welfare of These Colonies may be Concerned; & make peace or declare War with Indian Nations; That They make Such Laws as They Judge Necessary for Regulating all Indian Trade, That They Consider The ways & Means to Support the Union & Safety of These Colonies, against all Their Comon Enemies. That They make all purchases from Indians for The Crown of Lands not now within the Bounds of particular Colonies, or That shall not be within Their Bounds when The Extent of Some of Them are rendered more Certain.

That the Members of The Grand Council shall be Allowed for Their Service 10° Stere per Diem during their sessions and Journey to & from the place of Meeting, Twenty Miles to be reckoned a days Journey.

That They make new Settlemens or Such purchases by Granting Lands to the Kings Name, reserving a Quitrent to the Crown for the use of The General Treasury.

That the Grand Council have power to chuse [choose] their speaker, and shall neither be dissolved [,] prorogued, nor continue sitting longer than six weeks at one time without their own consent, or the special command of the Crown.

That the Members of the Grand Council shall be allowed for their services ten shil-lings sterling per diem, during their Sessions or Journey to and from the place of Meeting; twenty miles to be reckoned a days Journey.

That the Assent of the President General be requisite to all Acts of the Grand Council, and that it be his Office and duty to cause them to be carried into execution.

That the President General with the advice of the Grand Council, hold or direct all Indian Treaties in which the general interest or welfare of the Colonies may be concerned; and make peace or declare War with the Indian Nations. That they make such Laws as they judge necessary for the regulating all Indian Trade. That they make all purchases from Indians for the Crown, of lands [now] not within the bounds of particular Colonies, or that shall not be within their bounds when some of them are rendered to
A NEW ENGLAND PLAN OF UNION

A SECOND NEW ENGLAND PLAN OF UNION

THE ALBANY PLAN OF UNION

[Par. XII]
That in Case of The Death of the President-General, The Upper Govt. of the Province of the Massachusetts Bay shall Preside, & be vested with the same powers and authorities 'till the Arrival of a New Govr. for said Colony.

[Par. XII]
That They make Laws for regulating & Governing, such New Settlements 'till the Crown shall think fit to form them into particular Governments.

[Par. XIII]
That They agree & Conclude what Number of Men & Sum of Money is Needed to be Raised & paid for Soldiers to protect & Defend these Colonies & Repelling their Enemies & To pay them & for the building & Garrisons &c. Forts for the Defence of any of the Colonies, & for Building Equipping Vessels of force to Guard the Coasts & protect the Trade of these Colonies, & when such Numbers of Men & Sums of Money is as concluded & agreed by the President General & Grand Council to be needful, is made known to Each of the Assemblies of the Said Colonies, each Colony shall raise their Quota of Men & Levy, Collect & pay their proportion of Money according to the proportion herein before Settled for the Choice of Members for the Grand Council from each Colony, to be raised, collected & paid in such manner & form as to them appears equal & right. & thereupon give Notice to each of the Assemblies of the United Colonies who shall raise their Quota of said Men & Money in the proportion above Mentioned for their respective Numbers of Commission to be raised, levied & collected by each Colony in such manner & form as to them appears equal & right.

Alternative reading inserted at the end of the paragraph.

more convenient dimensions. That they make new settlements on such purchases by granting Lands, [in the king's name] reserving a quit rent to the Crown, for the use of the General Treasury.

Ibid.

Ibid.

Ibid.

Ibid.
[Par. XV]
That they make necessary rules and orders for the well regulating & managing Such New Settlements 'till the Crown Shall think fit to form them into particular Govern- orment, or Governments, That They agree & conclude the Number of Men, & Sums of Money That shall from Time to Time be needed to be raised & paid, for [the purposes Afore Mentioned*] protecting & Defending These Colonies & repelling their Enemies, for building & Garrisoning Forts for the defence of any of the Colonies, & for building & Equipping & Manning Armed Vessels to Guard The Coasts, and protect the Trade of these Colonies. And When The President General, & Grand Council Shall Conclude and Agree on Any Number of Men & Sum of Money Needed On Any Occasion. They shall Notify the Same to Each of the Assemblies of & Colonies, by Sending an Account Thereto of the Respective Govt of Each of & Colonies to be Communicated to their Assemblies recommending it to Each Colony to[7] Who shall raise their Quota of Men, & Levey, collect & pay their proportion of Money, according to The proportion herein before Settled for Members to be Chosen for the Grand Coun cil from Each Colony; Which may be done In Each Colony in such Manner & form As to Them Appears equal & right.

* Alternative reading.

[Par. XVII]
That The President General be the General or Chief Comander of all The Forces raised by Virtue of This Union, and that it be his office & duty to cause the Acts, rules, and Orders made & concluded by Virtue hereof to be Carried into Execution: And He shall Comission all The General Officers [y] are

[Par. XVII]
That a Quorum of The Grand Council to Act with The President General do Consist of Members, Among Whom There shall be One or More from a Majority of The Colonies.

[Par. XV]
That a Quorum of the Grand Council im- powdered to act with the President General, do consists [consist[10] of twenty five Mem bers, among whom there shall be one or more from a majority of the Colonies. That the Laws made by them for the purposes aforesaid, shall not be repugnant, but as near as may be agreeable to the Laws of England, and shall be transmitted to the King in Council for approbation, as soon as may be after their passing, and if not dis approved within three years after presenta tion to remain in Force.

[Par. XVI]
That in case of the death of the President General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authority, to continue until the King's pleasure be known.
A NEW ENGLAND PLAN OF UNION

(Connecticut Historical Society
Collections [Fitch Papers Vol. 1],
XVII, 20–22. Trumbull Papers, I,
Doc.93, Connecticut State Library.)

[Par. XVI]—Continued

needed; Who shall be nominated to him by
The Grand Council; and he shall Commission
the other Commission Officer or Officers y
shall be needed; Who shall be nominated to
him by The Assembly of That Colony
whose Soldiers are to be Comanded by such
Officer or Officers.

[Par. XVII]

That the President General & Grand Coun-
cil of These United Colonies may Appoint
a General Treasurer & a particular Treas-
er in Each Government When Necessary;
and From time to time may order the
Sums in the Particular Treasuries by them
Appointed In Each Government into the
General Treasury, or Draw on Them for
Special payments as they find most Con-
venient; Yet no money to Issue but by
Joint orders of The President General &
Grand Council except Where Sums have
been Appropriated to particular purposes,
& The President General previously Im-
powered by an order to draw for such Sums.

A SECOND NEW ENGLAND PLAN
OF UNION

(Connecticut Historical Society
Collections [Fitch Papers Vol. 1],
XVII, 25–29. Trumbull Papers, I,
Doc.94, Connecticut State Library.)

[Par. XVII]
The President General Shall have a Cast-
ing Voice whenssoever an Equi-Vote Shall
happen in The Grand Council

[Par. XVIII]

That all Military Commission Officers,
whether for Land or sea service, to act
under this General constitution, shall be
nominated by the President General, but
the approbation of the Grand Council is to be
obtained before they receive their Com-
misions; and all Civil Officers are to be nom-
inated by the grand Council, and to receive
the President General’s approbation before
they officiate; but in case of vacancy by
dearth or removal of any Officer Civil or
Military under this constitution, The Gov-
y of the Province in which such vacancy hap-
pens, may appoint till the pleasure of the
President General and grand Council can
be known.—To be the particular Mil-
tary as well as Civil establishments in each
Colony remain in their present State this
General constitution notwithstanding. And
that on sudden emergencies any Colony
may defend itself, and lay the accounts of
expenese thence arisen, before the President
General and Grand Council, who may allow
and order payment of the same as far as
they judge such accounts just and reason-
able.

THE ALBANY PLAN OF UNION

(documents Relative to the Colonial
History of the State of New York,
VI, 890–891, with corrections from
the manuscript in the Public
Record Office transcribed for the
Library of Congress.)
Each Colony remain [firm & Entire]* in The present State & Condition, without any other Change or Alteration than is herein before mentioned, This General Union Notwithstanding.

* Alternative reading.

[Par. XX]
And Further 'tis proposed That There be a Union Made by an Act of The Parliament of Great Brittain, by Virtue whereof One General Union may be formed, Including the Several Colonies of Pennsylvania, Maryland, Virginia, North Carolina & South Carolina, The Affairs Whereof in relation to Matters & Things of the like Nature to what is herein before Comprised, to be Ordered Directed & Administred In the Like Manner & form as is herein before Mentioned.

"New Jersey" is crossed out.

[Par. XXI]
And Further, 'tis proposed That On any Special Emergency & Extraordinary Occasion wherein it may be Tho't needfull There may be Just rules & Directions made & given Therein All The Said Colonies herein before proposed to be United, In The More Northern part of America, and Those proposed to be United in The more Southern part of North America, May Act In Concert Against The Comon Enemy In The best and Most Advantageous Manner

[Par. XXII]
By Driving off all our Enemies, from his Majesty's Territories in North America & Destroying any Forts Made thereon by them; and Carrying The Forces of These Governments into The Enemies Country, when an Open war is or shall be Declared Against Those who are his Majesty's Enemies,
British Diplomacy in the Light of Anglo-Spanish New World Issues, 1750-1757

Lawrence Henry Gipson*

The period covered by this study, the years leading up to the Seven Years' War, has been called by one writer interested in Anglo-Spanish relations the 'Seven Years' Peace.' During these years, while Anglo-French relations progressively deteriorated as a result of rivalry in North America, relations between Great Britain and Spain actually improved, in spite of the existence of many points of friction. Some of these were serious issues, left unsettled at that time and destined, under conditions of changed leadership in both countries, to bring on open hostilities in 1761, when Spain joined France in the last phases of the Seven Years' War.

In reviewing the specific New World issues that threatened to disrupt the Anglo-Spanish peace, it is the purpose of the present study to emphasize the consummate skill displayed by the British during the Pelham-Newcastle ministries. In a series of diplomatic moves they not only temporarily held these issues in abeyance but actually won for Great Britain Spain's moral support in 1755 in the still undeclared war with France in North America and the waters of the North Atlantic. The background for this achievement lies in the history of Anglo-Spanish relations in the decade preceding 1750.

The War of Jenkins' Ear between Great Britain and Spain that began in 1739 had arisen out of disputes over British claims to freedom from search on the high seas coupled with resentment at the treatment in the Caribbean Sea of British ships and crews accused by the Spanish guarda costas of attempting to smuggle goods into the Spanish islands and the Spanish Main. Fused into the War of the Austrian Succession, after the second Bourbon Family Compact was signed in 1743, the Anglo-Spanish war had been carried on, especially during the latter years, with a good deal of languor—except for the capture of Spanish ships by British fleets and privateers. The truth is that Ferdinand VI,

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a weak ruler with an energetic Portuguese queen who had inherited symp-
thies for the English, had not been so deeply interested in the British as-
pe of the war as he was in the struggle in Italy against the Habsburgs. In fac-
he clearly longed for an honorable peace with Great Britain that would perm-
him to pursue a Continental policy freed of many of the wide implication
of the Family Compact.8 When the Treaty of Aix-la-Chapelle terminate
hostilities between Great Britain and France, the way was therefore open for
the Treaty of Aquisgran, signed on October 5, 1749, and implemented the
following year. Among other things accomplished, this treaty—silent on the
direct issues of the Anglo-Spanish war—brought to an end the famous Asiento
(Asiento) Contract.

I

The voluntary surrender of the privileges of the Asiento by the world's
greatest trading nation in 1750 may surprise students of British overseas com-
cmercial activities who have noted the tenacity with which, as a rule, British
trading rights have in the past been guarded and preserved in various parts of the world. What is the explanation of this renunciation?

As is well known, the Treaty of the Asiento, signed at Madrid on March
26, 1713, between the representatives of Queen Anne and those of King
Philip V, provided that for a period of thirty years the English should enjoy
the exclusive right of supplying the Spanish colonies of the New World with
slaves—a privilege earlier enjoyed by the Portuguese and upon the accessio
of Philip to the Spanish throne transferred to the French in 1702. To th
was soon added the privilege of sending annually a ship of five hundred tons
to the fair at Portobello, as commutation for other guaranteed privileges.
The South Sea Company, originally organized to operate in the Pacific Ocean
area but never destined to do so, became the recipient of these high conces-
sions. Although heavily capitalized and at that time possessing £10,000,000
of government debentures, it never became a great trading company. Yo
expectations were high, and, in anticipation of great profits, in 1720 it agree
to take over the public debt of Great Britain amounting to over fifty million
pounds. Subsequently, the company became involved in the wild speculatio
that drove its stock to three hundred per cent and then up to one thousand
per cent before the panic broke—on the heels of the still more spectacular
panic in France in May of 1720 following the rise in value of the Law’s Missis-
sippi Company stock to two thousand and fifty per cent.

8 George Edmundson, "Spain and Portugal, 1746–1794," Cambridge Modern History (Lon-
don, New York, 1909), VI, 361.

* This is very effectively treated in McLachlan, chap. III.
By 1733 the Asiento Contract and that of the annual ship possessed so little significance that the company was seriously considering a treaty with the crown of Spain for the surrender of these privileges or, if this could not be done advantageously, to enter into a contract "to Sett out the Tonnage of their annual Ship to any Persons either subjects of Great Britain or foreigners." When the question of the right of the company to act independently of the government had been submitted to the attorney general, he gave the opinion that it could not lawfully enter into any treaty looking to the above end without special authorization of the crown. Thereupon an application was made for a royal license to let or dispose of the "Assiento trade or the Tonnage of the shipping in that Service to any person or persons." To this the duke of Newcastle replied that the matter was of national concern and that "His Majesty would like information to what parties or persons and under what Terms they propose to let out or dispose of the trade."

The explanation of the anxiety of the South Sea Company to dispose of its concessions of questionable value doubtless lies first in the fact that out of the expenditures in establishing and maintaining factories within the Spanish New World possessions it was accumulating little but bad debts from private individuals to whom credit had been given and secondly that it had difficult claims against the crown of Spain. A "State or Computation of Debts owing to the Several Factories which are not supposed to be embarg'd or seiz'd" prepared in 1734—five years before the outbreak of the Anglo-Spanish war in 1739—shows that a grand total of $1,660,000 was owing the company before 1729 and after that date $1,270,000 in terms of the Spanish milled dollar for the eight reals piece. The accuracy of the figures here given cannot of

5 Minutes of the General Court, Apr. 17, 1733, Vol. 3:21. These "Minutes" are among the additional Manuscripts (serial no. 25,545) in the British Museum. Hereafter these will be designated as follows: B.M., Add. MSS. In a recent study by George N. Nelson ("Contraband Trade under the Asiento, 1730–1739," American Historical Review, LI [1945], 55–67), the data presented—based upon the South Sea Company materials among the Shelburne Manuscripts in the Clements Library—would seem to indicate that the profits of the trade were at least one hundred per cent during the years under consideration. As these profits came, as Dr. Nelson emphasizes, from illicit, contraband activities engineered by an inner circle of the directorate of the company, it is not clear to what extent the stockholders themselves benefited. In fact had the latter secured substantial returns it is unlikely that there would have been any sentiment among them in favor of the surrender of the privileges.

6 Minutes of Mar. 29, 1734, 3:58, B.M., Add. MSS.
7 Minutes of Jan. 29, 1734/5, 3:67–8, ibid.
8 Minutes of Mar. 20, 1734/5, 3:69–70, ibid.
9 Minutes of Apr. 10, 1734, 3:60–2, ibid. At Portobello and at Panama, before 1729, $670,000 was due the company and after that date $630,000; at Havana, before 1729, $350,000 and after that date $310,000; at Vera Cruz and Mexico, before 1729, $300,000; at Cartagena, before 1729, $36,000 and after that date $130,000; at St. Iago de Cuba, before 1729, $54,000 and after that date $70,000; at Buenos Aires, before 1729, $250,000 and after that date $310,000.
course be affirmed. The direct claims of the company against the king of Spain were also very large and the justice of them, at least in their extent, was questioned at the time and has been since that date. But, according to the auditor account, the company's first claim—as the result of a seizure of its assets in 1718, a so-called reprisalia by the crown of Spain for English hostilities—amounted to $1,433,936; to this it added $1,270,312 as interest at eight per cent of the above amount for a period of ten years. Its second claim by reason of the second reprisalia of 1727, according to accounts from Cartagena an Portobello, amounted to "upward of $300,000 of the Company's Cash Seize and Remitted to Old Spain or Employ'd for his Catholic Majesty's Service no part of which has been restored." In 1748 the total claims of the company against the Spanish king in terms of pounds sterling amounted to £1,367,38, plus 4,950 Spanish tons "due to the Company on Annual Ships to the year 1739." On the other hand, the king of Spain had huge claims against the company—based upon his right to one fourth of the total profits of the Asiento and over one fourth of those from the annual ship—that would place it really in debt to him.

The chief difficulty, perhaps, faced by the South Sea Company in the New World was that which also troubled the Royal African Company upon the Gulf of Guinea: the presence of the free trader. He not only brought the slaves to the Jamaica slave mart, where the company purchased them gladly but he traded directly with the Spaniards against the interests of the company. To put down the free trader's activities the Spanish guarda costas operated a times with great vigor and beyond the limits of their proper jurisdiction. The frequently seized vessels engaged in lawful activities within the area of the Caribbean Sea, a practice which brought English ships of war upon the scene. Moreover, grave abuses grew out of the annual ship concession as well as the operation of the Asiento; some of the directors of the company seem to have greatly profited personally through these abuses and also doubtless supported and shared in the contraband activities of the free trader.

10 This was the rate of interest apparently demanded in transactions within the Spanish word and also the rate of interest paid by France for short-term advances by foreign financiers. It was equal to the rate paid by the English government early in the century but well above the rate ordinarily secured contemporaneously in Great Britain where the government was paying to the East India Company only four per cent on long-term loans.

11 Directors' Court Minutes, Feb. 16, 1748, 1940, B.M., Add. MSS, 25,512; see also the memorial to the duke of Bedford of Feb. 12, 1748, Company "Memorials," etc., B.M., Add. MSS, 25,661:202-3. It may be pointed out that Newcastle put the claims of the company at £800,000 while Bedford placed them at the more modest level of £500,000; even so Keene, the British ambassador at Madrid, officially demanded no more than £300,000 and was prepared to consider two thirds of this amount (McLachlan, p. 138).

12 The student is again referred to the article by Dr. Nelson in Am. Hist. Rev., Ll, 55-6; See also Vera Lee Brown. "The South Sea Company and Contraband Trade," ibid., XXXI (1926)
A study of the Spanish New World commercial activities of the company from 1734 to 1739, before the outbreak of the Anglo-Spanish war, shows how trivial these were in contrast, for example, with those of the United East India Company of the same period. The South Sea Company’s stock, valued at about £34,000,000 after the bursting of the “Bubble,” had been divided between annuity stock and trading stock. With the trading stock it had then sought to profit by the Greenland whale fisheries but failed in this as it had in the Spanish trade. In 1733, therefore, three fourths of this stock had likewise been diverted to annuity stock. Thus the South Sea Company, it will be noted, even before 1739 progressively withdrew from active promotion of highly speculative business enterprises in favor of playing the role of a conservative investment agency.

With the war brought to a close, in the subsequent peace negotiations leading to the Treaty of Aquisgran the British ministry indicated by its attitude that it was as little prepared to defend the legitimacy of all the company claims against the Spanish king and nation as it was to acknowledge the legitimacy of all the counterclaims of the Spanish crown against the company. The whole matter of these claims and counterclaims was a sticky business. But in the Treaty of Aix-la-Chapelle the rights consistently enjoyed since 1715 by the British mercantile interests that looked to Cadiz were unfortunately passed over by the British negotiators and declared forfeited as a result by the Spaniards. These British claims were however so patent that Henry Pelham and his brother, the duke of Newcastle, felt they were on solid ground in bringing pressure, on the one hand, upon the company to accept an offer of £100,000 from the Spanish crown—provided that a mutual cancellation of all claims took place involving the Asiento and the annual ship—and, on the other hand, upon Ferdinand to renew the old and perfectly legitimate British trading privileges in Spain as well as the old privilege of securing salt at Tortuga for the North Atlantic fisheries. One may look in

662–78, and “Contraband Trade: A Factor in the Decline of Spain’s Empire in America,” Hispanic American Historical Review, VIII (1928), 178–89.

13 For these activities see B.M., Add. MSS, 55,558. In 1750, the year of the definite treaty of peace, the total value of the capital stock of the company was given as £27,302,203. Of this total, £13,651,099 was in so-called Old South Sea Company annuities, £6,988,318 in New South Sea Company annuities, and £3,662,784 in so-called trading stock (South Sea Company “Memorials,” 4:111, ibid.).

14 Pares, pp. 520–32; McLachlan, pp. 125–45; Olbes L. Fernandez, La Paz de Aquisgran (Pontevedra, 1926). The treaty is to be found in European Treaties Bearing upon the History of the United States and Its Dependencies (ed. by F. G. Davenport and Charles O. Paullin, Washington, 1937), IV, 79–80; it is also to be found in Charles Jenkinson’s, A Collection of all the Treaties of Peace, Alliance and Commerce between Great Britain and Other Powers from ... 1648 to ... 1783 (London, 1785), II, 410–13.
vain in the final treaty for any reference to such issues as were involved in the British claim of free navigation of the Caribbean Sea, the Spanish demand for the return of Gibraltar (a prime objective at the time of the first abortive Bourbon Family Compact of 1733), and the Spanish territorial tensions to Georgia and most of South Carolina. Even the dispute over the explosive British claim to enjoy the right to cut logwood about the bays of Central America was passed over. Indeed, between 1750 and 1755, the more serious New World problem that tended to muddy the Anglo-Spanish diplomatic waters was that presented by the activities of British loggers in the area of Honduras Bay.

II

The botanical name of the tree yielding the famous dyewood is *haematoxyylon campechianum*. The heartwood of it, in appearance a deep red and so heavy that it sinks in water, yields the precious dye still employed in the woolen and silk trade to produce a fast black or compound grey shades an earlier used also for reds and blues. The tree itself, between twenty-five and fifty feet in height, grows in isolation and not in groves and is distinguished among other native trees by its very crooked trunk and limbs and its peculiar ribbed bark. After being felled during the dry season it was cut into length or blocks, each weighing some four hundred pounds; even its roots were also grubbed up and cut into sections. Sturdy Indians carried these heavy blocks on their backs to certain convenient places to await transfer to the coast. Then with the coming of the great downpours twice a year—the rainy seasons in the spring and fall—and with the water flooding the low country for miles a depth of three or four feet, the blocks were piled upon barges which would descend some creek or river, such as the Belize, to the flood waters and the put on ocean-going vessels—a distance from the log-cutting operations of perhaps fifty or one hundred, or, even two hundred, miles. Then up the stream for the next load the barges would move, “the hardest and most labious work of any.” The men—English, Indians, and Mestizos—who engage in these activities, were by all accounts turbulent people and given to wild dissipation. Moving as woodcutters from place to place they established temporary abodes. Frequently those living about Honduras Bay, if faced by serious threats, would flee to the Mosquito Shore where the Indians, bitterly hostile to Spaniards, would afford them and other Englishmen reasonable protection there were also, from time to time, a few soldiers at Black River sent from Jamaica.  


16 The insecurity of the Honduras logwood cutters led them in 1747 to present a memor
As early as 1638 English buccaneers began to resort to the coasts of Yucatan in order to plunder the native logwood cutters and to cut the valuable dyewood. The Spaniards themselves were not drawn to settle in the swampy regions about which the trees grew and where men faced great exposure while engaged in arduous labor. But after the trees had been cut by the Indians and had been conveyed to some inlet that would accommodate seagoing ships, they had purchased the wood and carried it away to sell at a high price. This had been the practice before Englishmen from North America began to settle, in 1662, where Spaniards scorned to live. As a result of the presence of the former and the development of an interest in logwood by North American merchants and shipowners the Spaniards were gradually eliminated from the region, except when they appeared to raid.

In 1670 England and Spain entered into a treaty wherein it was provided for the recognition of the status quo of the dominions of each as determined by possession at that time. What effect, if any, did the treaty have upon the logwood regions? And what was the effect of the later Anglo-Spanish Treaty of Navigation and Commerce, which was signed in 1713 as a part of the general treaty settlement of Utrecht and which, in confirming that of 1670, did so "without prejudice to any liberty or power which the subjects of Great Britain enjoyed before, either through right, sufferance or indulgence?" In other words, had Englishmen established a valid claim to these parts by effective occupation? Spaniards denied that any so-called "indulgence" to the subjects of Great Britain to resort to the logwood regions gave recognition of English claims to them. Spanish governors, in fact, even after 1713 were not inclined to show overmuch "indulgence" to the logwood cutters and those who came in ships for the dyewood: many settlers about the Bay of Campechy were taken prisoner; ships found there were confiscated, and New England and British merchants therefore protested loudly. In 1717 the Lords Commissioners for Trade and Plantations came to their support in a representation o the king to the effect that since England was allowed by treaty to hold all

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o Parke Pepper, "late Duty Major at Rattan," praying that a governor might be appointed to reside constantly at Belize (Bellise) and that some forces might be sent thither for the greater security of themselves and the trade. Journal of the Commissioners for Trade and Plantations, 741–749 (London, 1931), p. 249.


19 Article VII of the Treaty of Madrid, July 18, 1670, Archives of British Honduras, I, 50.

American territory occupied before 1670 and since subjects of the king had settled at Laguna de Términos on Yucatan before that date, his majesty had therefore a right to hold this territory and his subjects to trade there. It is clear that at the time of the Treaty of 1670 English logwood cutters were settled and operating not only upon the Bay of Campeche including the Laguna de Términos but also in the region of Belize River on Honduras Bay—although the issue that came before the board apparently involved rights only in the former. In fact the word “Campechy” was frequently used loosely during the earlier period by the English to cover the general area of activities of those exploiting the logwood resources. That the British ministers accepted the view of the lords commissioners as to English rights is indicated by the fact that when war was declared on Spain in 1718 these claims were involved. Not until 1763, however, could the latter country be prevailed upon to give legal recognition to the “Bay-men,” as the English settlers were called, in agreeing in the peace treaty that should they destroy their fortifications they were not “to be disturbed or molested, under any pretext whatever, in their said plans of cutting, loading, and carrying away logwood.”

In the period under consideration the logwood settlements had disappeared from the Campechy shore of Yucatan and were scattered about Honduras Bay and along the Mosquito Shore, especially on Black River, in what is now Nicaragua. It was estimated in 1715 that some fifteen hundred British subjects—mostly men who had drifted from the northern colonies...

21 This under date of September 25, 1717, is in C.O. 137:46; for a précis of the board report see Archives of British Honduras, I, 64–5.
22 The British population of Honduras in 1670 was estimated to be seven hundred (ibid. I, 3); by 1705 the “River of Bullys” (Belize) had become the principal British shipping port in Yucatan (ibid., I, 3–4).
23 For example, in March 17, 1714, reference was made at a meeting of the Board of Trade to the fact that persons who had given bonds on prize goods in Jamaica “were run away in Campeche and there employed in cutting logwood.” On March 25 of that year Major Howar and Captain Harler testified before the board that “about 1500 were gone to cut logwood in the Bay of Campeche, etc.” Journal of the Commissioners for Trade and Plantations, 1714–1716 (London, 1924), pp. 7, 11. A Mr. Aylmer on the same day said, “That about 2000 men were gone from thence [Jamaica] to cut logwood at Campeche, etc.” In 1720 Honduras is specifically mentioned in the Massachusetts Bay memorial relating to logwood. Ibid., 1718–1722 (1925) p. 154. See also index of the Calendar of State Papers, America and West Indies, 1720–1722 (London, 1933), under “Campechy.”
24 Nettels, p. 97.
25 Baymen in 1763 were more accurately those living about Honduras Bay; those living to the southward were called Moskitomen (Mosquito men); there were also the Mosquito Indians.
27 On August 20, 1735, Governor Cunningham of Jamaica and a Mr. Williams told the Board of Trade that the South Sea Company, which had agreed with the Spaniards to take logwood in exchange for Negroes, had established a factory at Campechy for that purpose “which had encouraged the Spaniards to drive out the English logwood cutters...” The following day Cunningham informed the board “that there are now no English at Campechy, those formerly there being all carried away by the Spaniards, but that there are about 200 English settled at Honduras.” Journal of the Commissioners for Trade and Plantations, 1734–1741 (1930), pp. 57, 59.
because they could not remain easily in a settled society—were living within its area; and in 1751 that New England, New York, and Pennsylvania merchants and shipmasters were annually drawing logwood from it valued at £160,000. In the year of the Peace of Aix-la-Chapelle a fort had been constructed on the island of Roatan (called Rattan by the English) for the protection of the settlers of the bay and of the Mosquito Shore. However, as the duty provided for a mutual restoration of conquests and as this seemed to apply to the island, it was evacuated. The settlers of Honduras Bay and the Mosquito Shore nevertheless remained and his Britannic majesty supported their right to do so. Still there was an absence of any settled form of government among the English in these places. The governor of Jamaica, it is true, was supposed to exercise some sort of supervision over the logwood settlements; in 1740 Edward Trelawny, occupying that post, had sent a certain Robert Hodgson to the Mosquito Shore to maintain friendly relations with the mixed population made up of Indians, Zambos (a blend of Indian and negro), and whites. He had also been ordered to harass the Spaniards with whom the English were then at war.

With the coming of peace Trelawny’s mind was filled with plans for a regular form of government so as to encourage the establishment of planters on the mainland who could till the rich Mosquito Coast lands and produce such commodities as indigo, cocoa, and vanilla; he also saw that a settled government might bring the “adventuring merchant,” who as soon as he had settled with a proper assortment of goods would lead to a stream of commerce from the adjacent “Kingdoms of Guatemala & Yucatan in spite of all the guards.” In response to Trelawny’s appeal, the duke of Bedford, secretary of state for the southern department, sent to Captain Hodgson a commission to regulate and superintend the settlement upon the Mosquito Shore, which was been subsisting several years, under the protecting of Our Friends and allies the Mosquito Indians.” Hodgson, however, was instructed to place himself under the direction of the governor of Jamaica who would pay his lary of five hundred pounds a year. With the prospect of more settled conditions in the logwood regions, many men from Jamaica apparently began inking of migrating there. Trelawny was therefore led to change rather abruptly his attitude toward the encouragement of planters to resort to the

28 Ibid., 1709-1714/5, p. 588; Archives of British Honduras, I, 77. In 1751 logwood was selling at £20 a ton. Ibid.
29 Governor Trelawny of Jamaica to the Board of Trade, Oct. 7, 1748, C.O. 137:25, folio 39.
30 Pares, pp. 98-99.
31 Trelawny to the Board of Trade, Oct. 7, 1748, C.O. 137:25, folio 39.
33 Bedford to Trelawny, Oct. 5, 1749, ibid., 74:159-160.
continent. In 1750 he spoke out against the establishment of plantation worked by slaves on the Mosquito Shore; he also expressed fear that a few rich men with many slaves would come to control great tracts of land there and that Jamaica would face depopulation. While it appears that a number of planters such as the wealthy slaveowner and capitalist William Pitts (Pitt) who was operating about Black River in the early 1740's on the Mosquito Coast, came to settle—some of them hailing from New York—yet the harvesting of logwood absorbed the energies of most of the English in that region.

Unhappily, the presence of Captain Hodgson with his royal commission and a small body of troops was not sufficient to ensure the safety of English settlers or ships from the occasional thrusts of the Spanish guarda costas. For example, the Eagle of Boston, Captain Gasney, on the way to Curacao in 1750 was caught in a storm and blown into the region of Roatan Island. The vessel while still on the high sea was overpowered by a Spanish fleet under Don Pablo and plundered of all its valuables. In 1751 four Spanish ships sailed into Honduras Bay where thirty-three English vessels, mostly colonial, were anchored and apparently occupied with loading logwood. Of these, two Boston vessels, one from Rhode Island, and a fourth were captured by the guarda costas; but, according to the report brought to England by one Richard Horton of the Prescilla, "brave Captains Belchier, Littlejohn and Griffin manned their ships out of the fleet and defended it until January 9," when the Spanish vessels, having news of the appearance of a twenty-gun British ship, slipped away.

The attack upon the logwood fleet in time of peace seems to have come as the result of orders sent in 1750 from Spain by the marques de la Ensenada, Minister of State for the Marine and the Indies, to Heredia, captain-general of Nicaragua, and doubtless to other officials, to uproot the English settlements and drive out the settlers. Ensenada later sent other orders, even more urgent, for the destruction of the English settlements, and apparently these were given without the royal authority. As a result, those dwelling about Honduras Bay received a double visitation in 1754. Cutting a path through the forest from the province of Peten in Guatemala, a Spanish force suddenly descended early in May upon one of the settlements, seized some eighty slaves and barricaded itself in the house of a planter while a small English force shot at it across the river. The next day two hundred of the English advanced

34 Trelawny to the Board of Trade, Apr. 14, 1750, C.O. 137:25, folios 128-9.
36 The Scots Magazine, May, 1752.
37 Ibid.
the attack but the Spaniards had by that time left with their booty.\(^9\) In August, warning was sent from Jamaica to William Pitts of the sailing of a fleet from Havana which was destined to go to Campechy and Yucatan to take forces on board and then proceed to Honduras Bay to carry out the plan of driving out the Englishmen. Pitts hurried a dispatch boat from the Mosquito Shore with the news to the settlers about Belize, some five hundred of whom retired precipitately by boat to Black River with whatever of their possessions they could easily gather together. A few days later, after sending some of their boats back to Honduras Bay to reconnoiter and finding no Spaniards, the baymen turned bitterly upon Pitts, accusing him with "high words" of frightening them from their logwood cutting so that he would be able to sell his own supply of wood at a higher price.

Determined now to return in a body, the loggers set out in their open boats convoyed by five colonial vessels. But when they entered the bay they found that the warning sent by Pitts was all too true. Before them were thirty Spanish sails. They were soon under attack, and a New York vessel that tied to rescue one from Antigua was captured. While the fighting was going on, the baymen beheld another Spanish fleet, twice the size of the first and including a large warship. As a result they again retreated in the greatest haste to Black River and "concluded they had lost the Bay for Good."\(^40\) But their unhappy predictions were not fulfilled. The \textit{guarda costas}, after burning the uts of the loggers at the mouth of the Belize and some of the logwood, retired from Honduras, so little tempting to the temperament and easygoing life of the Spaniards. When they left they perhaps had the idea that at last they had got rid of the intruding English settlers. But such was not the case, for, after some delay, back came the baymen from the Black River to engage once more in their customary activities.

III

The undeclared Anglo-Spanish hostilities in the region of Honduras Bay described above, exerted much less influence on the relations of the two nations in Europe for the period under consideration than one might expect. The explanation for this doubtless lies in the fact that the Spanish crown, on the one hand, although seeking to hold its own, was not interested in aggressive measures in the New World, while the British crown, on the other hand, was anxious to nurture Spanish good will in face of the really ominous Anglo-French crisis resulting from French activity in North America and in the

\(^40\) \textit{Ibid.}
West Indies after 1749. With the mounting tension between Britain and France, the government of each made ever greater efforts to win the support of Spain. One may venture the opinion that had the comte de Vaulgrenan French ambassador at Madrid from 1748 to 1752, or his successor, the duc de Duras, who remained until his recall in 1755, been a man of ability greatly transcending that of the British ambassador, Sir Benjamin Keene, France might possibly have revived the Family Compact before 1759 with unpredictable consequences, in spite of the deep reluctance of both King Ferdinand and Queen Maria Barbara of Braganza to be again involved in war. But neither Frenchman was the equal of Keene, who left a record of high efficiency, although he failed to achieve all his objectives in the face of forces over which he had little or no control.

Keene first appeared in Madrid in 1723 as agent for the South Sea Company; thereafter he became British consul and then, in 1727, British minister plenipotentiary, at which post he remained until the outbreak of the Anglo Spanish war of 1739. He returned to England following the failure of the Convention of the Pardo, which he had negotiated in an effort to avert hostilities. During the latter years of the War of the Austrian Succession he represented his government at Lisbon and in 1749 most reluctantly returned to Spain and continued there—in spite of poor health and a desire to retire—until his death in 1757. A master of the Spanish language and a man of commanding appearance and an easygoing temperament that fitted in with the way of life of the Spaniards, Keene proved to be an extraordinarily difficult obstacle for the French to overcome in their desire to revive close relations with Spain. They did have a friend, however, in the marques of Ensenada who was in charge of two of the most important departments of the government. Unhappily for them his pro-French influences were offset by the minister of foreign affairs, Don Carvajal y Lancaster, descended from John of Gaunt and rather proud of his English connections. When Carvajal died in the spring of 1754, it seemed that Ensenada would at last triumph and carry through his plans for a renewal of the alliance with France. Keene, however, suggested to some of the powerful court officials who had favored Carvajal's policies the desirability of recalling from London the Spanish ambassador, Don Ricardo Wall, who had gone to London in 1748 to arrange a separate peace with Great Britain and who, while he had failed in his par-

icular objectives, had remained there and had won the respect of Newcastle and other ministers. This was done. To William Pitt the passing of Carvajal and the appointment of General Wall to his post was a movement into the unknown with serious possibilities. Writing from Bath to the duke of Newcastle, soon after the news of Wall’s recall to Spain to assume his new duties, he declared:

I am extremely sorry for the death of Mr. Carvajal. His dispositions were try’d and known. Those of General Wall, I expect everything that is right from, but the thing is yet to be try’d. He has it in his power to be an instrument of much good, or consequently, mischief, from the great knowledge of the inside of this Kingdom which he carries with him. The Commercial views he is known to have taken up, or been confirm’d in here, may operate either way, for us or against us, as they are ustly or erroneously form’d.

Wall, a former Irish Jacobite who was born in France and had obtained naturalization in Spain and who was in truth loyal to the interests of the country of his adoption, proved to be everything that Keene had hoped he would be in offsetting Ensenada’s moves. As has been noted, the latter at this time sent orders, in the king’s name but without royal permission, to the viceroy of New Spain and to the governors of the provinces within the vice-royalty that were concerned, to attack the English navigating to and from the Mosquito Shore in Central America and to break up the logwood settlements there and north of it. He was directly responsible for the events that had taken place in the region of the Bay of Honduras. When a copy of his hostile orders was given to Newcastle, the latter proceeded to write to Wall in terms of the utmost intimacy. As it throws light on the friendly relations of these ministers who guided foreign policy in the two countries and is brief, it may be given in full with its curious mixture of English and French:

My Dear Wall:

I am frightened out of my Wits at these Ensenada-Orders And the Voyes de fait which are probably begun. Now Si je connois Knowles [Governor of Jamaica, with a commission to supervise the Mosquito Shore], il aurait deja tâché de repousser Force par Force—Pour l’Amour de Dieu, où serons nous? Vous et Moi, nous en serons certainement les Victimes. How often have I beg’d that the Affair


43 It had seemed at one time to Keene that the problem that had arisen out of the logwood interests of the British on the Mosquito Shore and the Gulf of Honduras would be settled harmoniously by the formation of an Anglo-Spanish company “for the cutting and vending of Log Wood.” He claimed that Ensenada had favored the project and had presented it to him but then later took up “with the project of Don Juan de Isla, which carried violences and the interruption of Harmony between the two Nations.” Keene to Robinson, July 31, 1754, B.M. Add. MSS, 32849:441-452.
of Logwood might be settled—We are entitled to that Privilege by the Word & Meaning of the Treaty of Utrecht. [The expression] Indulgence was put in [the Treaty] on purpose to comprehend it. Let it not be said that Gen' Wall ha
Either not Inclination or not Power enough, to prevent these things. If a stop i
not put to them, without Delay, I know, what must be the Consequence—Ou Enemies will tell the rest with Pleasure.

You have good Sense Enough to take this Letter in the sincere friendly Sens,
in which It is meant by

Your Ever Affectionate Friend & most faithful humble servant

Holles Newcastle

When the attention of Ambassador Keene at Madrid likewise had been
called to the hostile orders sent out by Enseñada and long before reports ha
creached either Spain or England of the hostilities previously described, he
had also set to work. Writing to Sir Thomas Robinson on July 31, 1754
Keene declared:

I had two Objects to consider, which in effect, were but one. To procure the
immediate Revocation of the Hostile Orders sent to America and to destroy the
Author of them. The first could not be procure with Security, without the com-
plete Execution of the latter.

It is well to point out that Enseñada's deep hostility toward the British had
long been apparent to Keene. Referring to discussions between the two men
over questions in dispute, the ambassador later charged that the Spanish min-
ister had been accustomed to make his complaints "in the most inveterate
Colours." Securing a conference at this critical juncture with Minister Wall
and the duke of Huescar, both opponents of Enseñada and his pro-French
policies, the ambassador thereupon not only made clear that Great Britain
and Spain were moving into a state of war as the result of activities of the
minister of the Indies but placed in their hands an exact copy of the instruc-
tions given by the commander of the Havana squadron to the captains of a
frigate and a xebec. By these it was made clear that by command of the
viceroys of New Spain they were to join the forces gathered by the governor
of Yucatan in order to "exterminate" the English and their logwood estab-
ishments. Keene in the interview not only charged Enseñada with the respon-
sibility for the instructions but proceeded to give the history of the negotia-
tions between the two nations over the logwood activities of the English and
called to mind the earlier suggestions put forth by Enseñada himself that an
Anglo-Spanish company be formed for the harmonious solution of the prob-

44 Newcastle to Wall, July 4, 1754, ibid., 32849.
46 Robinson to Albemarle, Aug. 15, 1754, Shelburne Papers, 36:24.
em. He also availed himself of the opportunity to describe in detail the pro-
French activities of the minister of the Indies and particularly his relations
with the duc de Duras.  

Wall, already committed to the idea of getting rid of his rival and now
furnished with the material for doing so, thereupon appeared before Ferdinand
and Barbara and observed that all the other European powers except France
wished "His Greatness, Lustre & Independency. It was their Interest to do
so, as much as it was that of France, to desire the Oppression and Abasement
of the Spanish Monarchy." He then made clear the part that Enseñada was
playing by usurping power to bring about this abasement.  

As a result of this exposure, together with the discovery that Enseñada was carrying on secret
negotiations with the court of Naples and was also as secretly intriguing with the
Jesuits of Paraguay—in violation of the terms of a treaty recently signed
with Portugal—the irate Spanish king ordered the minister under arrest.  

According to the earl of Albemarle, writing from Paris, the French were
"thunderstruck" at the news of the fall of the powerful Spanish minister;
and Duras, himself deeply implicated in his fall, was so fearful lest his
departures to Paris relating to the incident fall into the hands of the Spaniards
that he wrote them in cipher.

In an attempt to remove from the mind of the Spanish king the prejudices
formed against France, Duras later in the year suggested shrewdly that
Ferdinand be called upon by both the French and the English to mediate
all outstanding disputes between them. But Keene was not to be caught.
Writing to Robinson he declared:

It would be very improper in His M's charge himself with it [the medita-
tion], whilst he has Disputes of his own to adjust with the British Nation of the
same Nature; Or to expect from His Britannick Majesty, that in such Circum-
stances (let the King's Idea of the Justice & Impartiality of the King of Spain, be
ever so extensive) His Britannick Majesty would consent to leave these difficult
and important Points to the Decision of a Prince of the House of Bourbon.

Although with the disappearance of Enseñada the logwood controversy
momentarily slipped into the background and the loggers were left in com-

47 Keene to Robinson, July 31, 1754, B.M., Add. MSS, 32849:452.
48 Ibid. For King Ferdinand VI and Queen Barbara see William Coxe, Memoirs of the Kings
of Spain of the House of Bourbon, from the Accession of Philip the Fifth to the Death of Charles
the Third: 1700 to 1788 (London, 1813), III, 67-231, and Rines A. Garcia, Fernando VI y Doña
Barbara de Braganza (Madrid, 1917).
50 Albemarle to Robinson, Aug. 21, 1754, Shelburne Papers, 36:26.
parative peace with the revocation of the late minister's orders, there were other points in dispute between the two countries, and General Wall was not in a position to resolve them. One had to do with the settling of claims against Spain for the seizure of English ships after the cessation of hostilities in the late war. Writing to Keene in November, Robinson stressed the "cavilling disposition" of the new Spanish minister of the Indies, Don Julian Arriaga, and indicated that if the British ambassador had on this point met with so many difficulties and delays there seemed to be very little hope that General Wall would be sufficiently at his ease to enter in a friendly manner upon "other American Points" until Arriaga had followed Ensenada into retirement and the confessor of the king, the Jesuit Father Ravago, a strong supporter of the late minister, had been sent back to his convent. Keene was therefore instructed to take every occasion
to excite M. Wall in a Point so essential to his own safety & the Friendship between the two Crowns & so agreeable to the general Wishes of the Spanish merchants, who seeing the Insufficiency of M. Ariaga regret the self Denial of M. Wall in having declined the Department of the Indies.

But General Wall was not in a position to disturb his colleague Arriaga. In fact, it appears that between the four Spanish secretaries of state there was little communication and less of the spirit of co-operation. Each acted independently in his own sphere and could not be easily reached—unless he had offended the king; moreover, the Spanish court was torn by factions.

When early in 1755 the news at last reached Newcastle about events along

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52 On January 5, 1755, Don Arriaga, the new minister for the Indies, ordered the return of the captured British logwood ships; at this same period the baymen returned to Belize and by 1757 nine ships were kept busy carrying logwood from this logwood area to New York. *Archives of British Honduras*, I, 80, 85.

53 Robinson to Keene, Nov. 4, 1754, B.M., Add. MSS, 37851:132. In July Keene had written about the favorable shaping of the Spanish ministry. He then went on to say: "Poor Wall is tired to Death and heartily regrets the change of his Situation. He desires me to assure You we will work to stop the Mouth of the Beckfords at the Meeting of Parliament as to the Inexecution [sic] of orders for Restitution [of ships and cargoes] and of clearing up such Pretensions upon other captures as are not yet decided. Logwood & Mosquito will demand more time." *Ibid.*, 32849:472. In spite however of Keene's inability to unseat Arriaga he did secure the dismissal of the king's confessor, Ravago. "This essential alteration," wrote Keene to Robinson, on October 15, 1755, "has been wrought in great secret, and with the greatest ability. The manner of doing it has been by laying before his catholic majesty, the materials collected against the confessor at the time of the attack against Ensenada; but now increased with many proofs furnished by the court of Portugal. From the consideration whereof, his catholic majesty of his own accord took his resolution to dismiss him; and named a very mild and worthy person in his stead." Coxe, III, 185-86.

54 Duras in a dispatch gives us an insight into the Spanish court of this period: "*Quatre secrétaires d'État gouvèrent l'Espagne et n'ont entre eux aucune communication; ... l'autorité se trouve partagée à la cour entre la reine et le père confesseur. Le roi, incertain entre deux personnes qui lui sont également chères, ne peut se décider. Il en résulte un chaos impénétrable, sur lequel il est bien difficile d'établir des conjectures solides," Waddington, pp. 118-19.
Honduras Bay—the driving out and the plundering of the baymen and the capture of ships, all on orders from Ensenada—he wrote to Wall in the same tone of intimacy that characterizes the letter quoted above, stressing the efforts they both had been making in the direction of a solid friendship between the two nations. Coming to the point, he said:

But, My Dear Friend, You must find some Way to set right This Ensenada Trick in the Bay of Honduras; or, otherwise, We shall not be trusted, & believ'd here; and Your Credit will suffer Every where. Your Enemies & Ours, (which, thank God, are the Same,) give out that Ensenada has still [in spite of his fall from power] a strong Party at Court and that He will soon return in Triumph. I dont believe one word of it.\(^5\)

In reply General Wall sought to minimize the incidents on the bay, insisting that the men driven out were fugitives from justice of all nations though admitting that a majority were from the British dominions, "que la misere et le crime a reunis, pour se soustraire à la rigueur de leurs maistres, de leur créanciers et de la justice, sans loix et sans chefs et abandonés à leurs caprices."\(^6\) Thus, while no agreement had been reached and while the conflicting claims in the logwood regions would ultimately be used as a principal pretext to involve Spain and Great Britain in renewed hostilities, peace for the next six years reigned in Honduras Bay and along the Mosquito Shore.\(^7\)

By March, 1755, everything was moving rapidly in the direction of open warfare between Great Britain and France in the New World. To the British ministers it was therefore of the utmost importance to keep Spain in an attitude of neutrality, if nothing more. On the other hand, Duras was working desperately to revive the entente between that country and France. But Wall stood between him and the attainment of his goal. Writing to the French minister the ambassador declared:

\begin{quote}
Le ministre d'Etat (Wall) est livré à nos ennemis. Mais sa légèreté et son audace à se montrer partisan aussi zélé d'une cour étrangère peuvent nous en délivrer. Il ne s'arrêtera pas qu'il soit venu à bout de lier sa cour intimement avec celle de Londres.\(^8\)
\end{quote}

In order to offset the activities of Duras, who was spending lavishly to

\(^5\) Newcastle to Wall, Jan. 26, 1755, B.M., Add. MSS. The first part of the letter was in French; Newcastle then dropped back into English.

\(^6\) Wall to Newcastle, Mar. 5, 1755, ibid., 32853:115–9.

\(^7\) The Dutch minister, Wassenaer, at Madrid in March sent a reassuring letter to The Hague that the Spanish court was peacefully inclined. He based his conclusions upon repeated conversations with General Wall and he mentioned the fact that the latter was trying to balance English complaints against Spanish complaints "so that mutual satisfaction may be made." Enclosure in Colonel Yorke's letter from The Hague of Apr. 1, 1755, ibid., 32854:9.

\(^8\) Duras to Rouillé, Jan. 7, 1755, Waddington, p. 118.
secure his objectives,^{59} Robinson now sent to Keene a group of carefully drawn papers, setting forth the British case respecting the North American disputes with France, to be presented to his catholic majesty.^{60} In an accompanying letter the Secretary of State said:

The King is persuaded, that your Exc^7 will make the most prudent Use of the ample Communications at the Court of Madrid, & will particularly point out the Wall the Dangers which the immense Claims of France in America threaten the Rights & settlements of the Spaniards themselves, as those Claims, & Pretensions under Colour of de la Salle's Discoveries, may extend as far on the Western as on the Eastern side of the Missisipe & embrace all Mexico itself, a consideration so alarming, that the bare mention of it, is surely sufficient to excite the utmost jealousy in the Court of Spain, and to show to all Europe, that the Pretensions of France are circumscribed by no Line or Limits whatsoever.^{61}

Furthermore, in a separate communication, Robinson sent to Keene papers relating to the disgraceful affair of the Spanish cargo ship St. Joseph and St. Helena. This incident helps to shed so much light upon Anglo-Spanish relations in the New World at this period that it deserves more than passing comment.

IV

The St. Joseph and St. Helena with a cargo valued at four hundred thousand Spanish dollars left Havana in October, 1752, for Spain but sprang a leak. In seeking a North American port to refit, the vessel was picked up by the Susanna, Captain Simpson, of New London, Connecticut, and brought into that port by his pilot, who sought to wreck the ship on the reefs outside the harbor and partially succeeded. The valuable cargo of gold, silver, indigo sarsaparilla, and balsam was then transferred to shore, while the inhabitant went wild with excitement and everyone sought to profit by the unhappy condition of the vessel and its crew—with thievery and admiralty condemnation proceedings bidding fair to leave the owners of the ship and cargo nothing. The admiralty court awarded Simpson outrageous salvage of twenty-three thousand pieces of eight; a Henry Lane of New York, hired by the supercargo of the Spanish ship, Joseph Miguel de San Juan, to protect the interests of its owners, absconded with four chests of silver; the places where the cargo was kept were broken open and plundered. San Juan, after being a helpless spectator of this travesty of decency, finally left New London, but not until after he had informed the Connecticut authorities that the matter would be trans-

^{59} ibid., p. 118.
^{60} Copies of these papers are in B.M., Add. MSS, 32853.
^{61} Robinson to Keene, Mar. 11, 1755, ibid., 32853:183.
erred to the High Court of Admiralty in London, where he knew justice would be done and the colony compelled to pay all damages. Governor Roger Wolcott—accused without proper evidence of being a beneficiary in this matter—denounced the whole thing as "an atrocious crime." The matter dragged on. In 1753 the Spanish chargé in London then protested the salvage award and in 1754 the British government itself interfered when Robinson wrote in June to the governor, now Thomas Fitch, commanding him in the name of the king to see that the cargo was completely restored to its owners; also, a British warship, the Triton, Captain Whitwell, was sent to New London to convoy to Cadiz the Nebuchadnezzar, sent by the owners to take on what remained of the cargo of the St. Joseph.

Robinson, in his above-mentioned communication with Keene about the affair, also sent the ambassador a copy of a letter from the captain of the Triton and requested him to assure the Spanish government that proper prosecutions would be started in the Connecticut courts for the recovery of what had disappeared from the cargo; in addition he was to stress the obedience shown by Connecticut to his majesty's orders and the promising assurances that a Mr. Brislaw, employed by the owners of the Spanish ship to care for their interests in England, had been able to give to the Spanish chargé, Abreu.

But things did not move along as favorably as Robinson hoped in the matter of the St. Joseph. When the owners, after the arrival of the Nebuchadnezzar at Cadiz, reported that most of their treasure had been "detained within Connecticut," the Secretary of State sent a sharp reminder to Governor Fitch that it was the king's intention that entire restitution should be made to the owners; for this purpose, he added, another British ship of war had been ordered to New London. However, when the Syren arrived at New London, there was nothing to convey to Spain, and Fitch therefore in the spring of 1756 endeavored to clear the colony's good name in a letter to Henry Fox, who had taken Robinson's place. In 1758 the matter was still the concern of the British government. The Connecticut London agent, Jared Ingersoll, wrote in September of that year for depositions, and in October Governor Fitch wrote to Secretary of State Pitt that he was sending to Ingersoll additional papers bearing upon the affair; these, he hoped, would clear the colony

63 For this episode see the author’s Jared Ingersoll: A Study of American Loyalism in Relation to British Colonial Government (New Haven, 1920), pp. 61-68.
64 Robinson to Keene, Mar. 11, 1755, B.M., Add. MSS, 32853:187.
66 Ibid., I, 298-99.
of negligence. However, it is not clear that the owners of the Spanish ship ever received reimbursement for their losses. Pitt, now in control, was fully occupied with the waging of war.

V

In spite of the American disputes, the cordial relations that had developed between the courts of Great Britain and Spain continued. This is indicated by the fact that in 1755 the Spanish chargé in London, Abreu, was apparently given very confidential information regarding the purposes of Boscawen's expedition into North American waters; he wrote to Wall that the vice admiral was sailing "to prevent the Landing of French Troops sent thither Abreu, after receiving Wall's reply, called upon Newcastle to make clear that the Spanish minister "entirely approv'd that Measure." Before leaving the duke, the Spaniard also took the occasion "to extol His Maj'ys Prudence having hitherto confin'd the War to No America." Further confirmation of the moral support of Spain came to the British after the news reached Euro of Boscawen's attack. Duras, having obtained an audience with the Spanish king and queen, openly and in violent language denounced Wall to them as dramatically appealed for Spanish support of their kinsmen, the Fren Bourbon. The reply was a polite refusal. The French ambassador and all French policy at Madrid had failed. On August 13, the Minister of Foreign Affairs, Rouillé, wrote icily to Duras: "Il me semble que vous n'avez qu'party à prendre, qui est de demander votre retour comme l'avant sollic depuis longtemps." Significantly, while the duc de Duras was having his fruitless interview with King Ferdinand, Keene spent three hours in conversation with General Wall and the duke of Huescar, who had now become the duke of Alva, in further elucidating the nature of the Anglo-French crisis in North America. Newcastle was therefore able to write in August:

67 Conn. Hist. Soc., Coll., XVII (1918), 352, 358. In justice to the Connecticut government it may be pointed out that none of the officials seems to have profited by the scandalous conduct of both the vice-admiralty court, presided over by Lewis Morris of New York, and of private individuals. In the affair of the Peggy, Captain Haddon, that committed acts of violence in 1755 against a Spanish ship owned by Don Felique D'Frances, the Connecticut authorities certainly acted vigorously against Haddon when notified of his crime by the British government. While the Peggy arrived in New London in 1755 she was seized by the sheriff and in 1758 Fitch was able to notify Pitt that satisfaction had been given to the Spanish agents. Ibid., I, 313, 332. Ye later, in the case of a Spanish ship loaded with sugar and money that put into New London 1771 after a storm had carried away her masts, care was taken of the interests of the owners happened that H.M.S. Beaver was riding at anchor then in the port; her carpenters condemned the vessel as unseaworthy; the supercargo thereupon purchased another vessel, in which the sugar and money were conveyed to Cadiz. Pennsylvania Journal, Nov. 14, 1771.

68 Newcastle to Holderness, July 18, 1755, B.M., Add. MSS, 32857:182-3.

69 Ibid.

70 This address is to be found in Archives des Affaires Etrangères, Espagne, 518:104-6.

71 Rouillé to Duras, Aug. 13, 1755, Waddington, p. 123.
as to our War, our Friend Wall does most astonishingly well; They have declared a Form, that the King of Spain will adhere to His Friendship with us, the Queen of Hungary, and the King of Sardinia. Wall says, That what Boscawen did in America, was the Suite of Hostilities begun there by the French; And, that the repair [by the French in violation of the Treaty of Utrecht also that of the reaty of Aix-la-Chapelle] of the Fortifications of Dunkirk authorized any Thing that [Admiral] Hawke may do here.\(^\text{12}\)

In the same month he informed Keene that the latter could confide to Wall the secret that the British government was making an effort to obtain even from the king of Prussia the promise to remain tranquil in the Anglo-French war.

Thus the prestige of the British government mounted rather than waned at Madrid during the crucial years when the leading powers of Europe were determining the part each would play in a war that the French had warned would not be permitted to remain simply a North American war and that Frederick of Prussia was destined to bring to most of Europe. Although the Abbé de Bernis had been appointed to take over the post left vacant by Duras' hurried departure, he did not go to Spain. Only the secretary of the embassy, Abbé Frieschmann, represented French interests in the Spanish capital, and he was without influence. In fact, Spain was destined throughout the remainder of the life of Ferdinand to observe toward Great Britain an attitude of neutrality—in fact almost benevolent neutrality—thanks to the efforts of the duke of Newcastle and of Sir Benjamin Keene and to the spirit of cooperation of the most influential of the Spanish king's ministers at the time, General Ricardo Wall, who later, it is true, became critical of British policy under Pitt.

The pillars of the "Seven Years' Peace," however, disappeared one after the other. Newcastle late in 1756 gave place to Pitt, who had no friends in the Spanish court; the following fall Keene passed away at Madrid; in August, 1758, Queen Barbara also passed away, leaving Ferdinand a mental, if not a physical, wreck, who lingered on until the following August when he was succeeded by Charles III. The latter pardoned Enseñada, without placing him again in power, and accepted the resignation of Keene's old friend, the duke of Alva, without disgracing him. As for General Wall, while retaining his post as minister of foreign affairs, he was no longer free to carry out his own policies as he had been under Ferdinand. Slowly but surely he reoriented himself so that by 1761 he was prepared to support, but without great enthusiasm, Charles's Bourbon Family Compact and, with as little enthusiasm, to

give to Lord Bristol, Keene's successor at Madrid, his papers of dismiss which signalized the outbreak of hostilities. While no one can say with assurance that had those chiefly responsible for foreign policy in Great Britai and Spain in 1755 been still responsible for it in 1761 war would not hav taken place, yet one may suggest that at least the New World issues dividin the two nations were far less acute in 1761 than they were in 1755 when th government of France sought unsuccessfully to revive the Franco-Spanis alliance.
A FRENCH PROJECT FOR VICTORY SHORT OF A DECLARATION OF WAR, 1755

WITH the beginning of Anglo-French hostilities in North America in 1754 British diplomatic policy had as one of its chief ends the prevention, by whatever means, of war in Europe. The lesson of the recent Second War of the Austria Succession, which had ended in 1748, had not been lost upon the King's ministers who had been obliged during Henry Pelham's administration to return to France, Cape Breton Island with the fortress of Louisbourg in order to secure the French evacuation of the Austrian Netherlands lying perilously close to England. In contrast, French diplomatic policy, with all its vacillation, had as one of its chief ends not only the preservation but also the enlargement of the New World possessions of his Most Christian Majesty by means of threats of conquests in Europe at the expense of the allies of Great Britain. Where France was strong she would be able to find compensations for possible reverses where she was less so.

With a great world war in its incipiency both French and British statesmen erred in misinterpreting the attitude, the true feelings, of the rival nation. The French held to the fatuous conviction that the British would refuse to support another full-scale war so soon after the termination of the ten years of hostilities that had begun in 1739. If this position embodied a profound misconception so did that of the Duke of Newcastle who was persuaded that France was so peacefully inclined, under the influence at court of Madame de Pompadour, that the British would be free to utilize what means were necessary to push the French out of their encroachments upon English territory in North America without really endangering the peace of Europe. This view was of course based upon the idea that events beyond the theoretical "line of amity," separating Europe from the New World, need not necessarily lead to open war within the amity.
area where international law, such as it was, and treaties were expected to be honoured and observed—little as these were honoured or observed outside the same. Indeed, Newcastle could have pointed—as an example of this neat differentiation between what was not permitted in Europe in time of peace but could go on in America without serious international repercussions—to the chronic use of force by Spaniards and British in the disputed logwood area of Central America. Writing confidentially on May 14, 1754, to his old friend Horatio Walpole, a veteran diplomat, the Duke therefore felt that he could state:

As to public measures, I flatter myself we shall not differ in them. The preservation of the public peace, and the carrying on or improving, if possible, the plan for the reduction of the public debt is, and shall be, our principal object. As to the first, I have no fear about it, except from the encroachments of the French in America; the non-evacuation of the neutral Islands; and the infractions of the Treaty of Utrecht, by the late works at Dunkirk. Tho' I hope and think that the present disposition of the French Court is so pacific that if we take care of our rights and possessions in North America, by either building Forts on our boundaries to render theirs useless, or else by demolishing such as may have been clearly and notoriously built upon our ground, that will not produce any disturbance but be matter of debate and negotiation, wherein they will be the complainants, as we unfortunately have hitherto been.

As to Dunkirk, we must complain and remonstrate, but I doubt we shall get . . . redress and there, I am afraid, we must leave it for the present. The Evacuation of the Neutral Islands I should hope might be brought about, but the behaviour of the French upon that [point] is abominable.

Then turning to consider developments at the French Court Newcastle had the following to say: "Mad\(^{1}\)e Murphy has brought a Son to the French King. She is removed to the Palace at Versailles. Lord Albermarle sends us word that the Marquis [de Pompadour] is very easy about it. I own I have no fears [that de Pompadour will fall from power]. If we lose Mad\(^{e}\) Pompadour, we certainly lose a friend to peace.\(^{11}\)

As for the French, as late as the beginning of 1755 there was a conviction that actual war could be avoided and that terms of a compromise could be worked out with Great Britain—in spite of the ugly aspect of affairs in North America, the West Indies, Africa, and India—were France to adopt a policy that may be described as one of conciliatory firmness respecting the more serious issues. In support of this view a comprehensive and highly confidential plan, submitted to careful emendation, was, therefore, drawn up within the department of the Ministry of the Marine—

\(^{1}\text{British Museum, Additional Manuscripts, 32735: 268-272.}\)
the department directly responsible for the guidance of those exercising authority in the overseas possessions of his Most Christian Majesty. Since this seems to be not only by far the most systematic and all-embracing French plan that made its appearance at this period before the declarations of war in 1756, and since also it contained a series of proposals for achieving the successful termination of Anglo-French negotiations, many of which were carried into execution by the government, it should be set forth in some detail. It carries under date February, 1755, the title *Mémoire sur les Moyens de prévenir la Guerre et de parvenir à une conciliation avec l'Angleterre*, or in English "Memorial on the means of avoiding war and of arriving at a reconciliation with England," and is presented under seven articles. The first four advanced the following propositions for the consolidation of the peace.

England must abandon in North America the Ohio River and all lands drained by it; she must demolish Fort Oswego on Lake Ontario, the building of which was called a usurpation, and give up all places located on rivers draining into the St. Lawrence, the St. Louis (Mississippi), and the Mobile; further, she must recognize the right of France to the island of St. Lucia in the West Indies. In return for this good behaviour France should make certain concessions: she should cede to England a portion of the peninsula of Acadia that was not comprised within the "ancient limits" of that province (ceded in 1713); also all the land between New England and the Penobscot River; she should destroy the forts that she erected on streams flowing into Hudson Bay and cede the lands thereabout; she should likewise cede the island of Tobago in the West Indies to England although the latter's right to it was denied; finally, she should give up most of the large concessions secured by the French East India Company in India. However, the disposition now to cede certain portions of the

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3 While Richard Waddington in his very detailed and able study of the diplomacy of this period, *Louis XV et le renversement des alliances* (Paris, 1896), refers at length to the *mémoire* of March 18, 1755, drawn up by a commission of the Foreign Office, and also to another of the same period prepared by Ledran and de Bussy under title *Mémoire sur la Rupture de l'Angleterre et la France* (157-9), he does not mention the above proposals prepared within the department of the Minister of the Marine. In contrast to the latter, the two *mémoires* that he stresses were without influence upon events, relating almost exclusively as they did to power politics within Europe and ignoring the grave problems that were the basis of the rivalry in 1755 between the British and French Empires.

4 For this see the Archives Nationales, Marine B 68: 24-57. A photostat of this document is in the Library of Congress.

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"Peninsule d'Acadie"—never comprehended, according to the Mémoire within the "anciennes limites" of Acadia—was not to mean that France would include either the isthmus of Chignecto, upon which the British Fort Lawrence had been built, or the northern portion of the peninsula.

The fifth article of the Mémoire dealing with Africa provided not only for the "re-establishment" of a French fort on the Gambia, where the English had long been settled at James Fort and where in 1750 Frenchmen had temporarily erected a post at Albreda above the English establishment so as to cut it off from the interior of the continent,® but also for the liberty of navigation and commerce on the Gold Coast—thus reopening the burning issue of the right of the French to trade at Anamaboe where in 1752 open hostilities between the English and the French fleets had only been averted by the withdrawal of the latter after receiving an ultimatum from Rear Admiral Buckle.® Then turning to India, the sixth article of the plan dealt with the British proposal that everything should be restored to a situation equal and comparable to that before the commencement of the "troubles"—as the war waged in the Carnatic from 1750 to 1754, in which both English and French forces were involved, was euphemistically called.®

The provisional treaty signed at Madras by M. Godheu in December, 1754, on behalf of the Compagnie des Indes, it may be pointed out, had accepted the view that the two rival East India companies should enjoy equality of position on the Coromandel Coast and in the Northern Circars,® but had ignored the situation in the Deccan—where French forces under the Marquis de Bussy were entrenched at the court of the Subahdar—and was therefore extremely favourable to France.® In spite of this, and of the fact that the interests of the French along the Malabar Coast of south-western India were negligible and those of the British entrenched at Bombay on that coast were very great, the Mémoire proposed that this equality of opportunity on the eastern coast should be extended to the western and that future concessions secured from the native princes by the rival companies were not

®For this issue see the author's The British Empire before the American Revolution (Caldwell, Idaho, 1936), I11, 342-3.
®For the Carnatic War see ibid. (New York, 1942), V, chap. ix.
®Ibid., V, 296.
®Ibid., V, 297.
only to be based upon this principle of equality but to be large in scope—envisaging the ultimate partition of India between the two powers. In this connexion, it did not disguise the fact that while a permanent treaty based upon these conceptions should satisfy the British company, such a treaty would be especially advantageous to the French company "en ce que l'agrandissement qui est stipulé en sa faveur, lui importe beaucoup plus (vu l'état serré où elle était sur la Côte de Coromandel) qu'un agrandissement égal n'import aux Anglois dont les possessions avoient auparavant une étendue plus considérable et plus propre à en assurer la consistance."\(^{10}\)

The Mémoire then made clear that equality in the increase in the concessions of each company in India would diminish the difference between the previous holdings of the two, and illustrated the point by suggesting that if the relations of their respective holdings had been as four is to one in favour of the English company, and if the holdings of each were increased by twelve times, it would mean that the relations of their respective holdings would then be sixteen as against thirteen and therefore "la différence devient d'une très mince consideration..."\(^{11}\)

The seventh and last article had to do with the question of prizes taken before the outbreak and after the termination of the late war. All that was demanded, it was affirmed, was the application of the provisions of the Treaty of Utrecht and Treaty of Aix-la-Chapelle.

Here then was set forth the basis for a permanent conciliation which would in fact give to France the permanent mastery of both the heart of North America and of India, and an overwhelming advantage in the African slave trade.\(^{12}\) How were the British to be led to see the advantage of accepting this?—for it was agreed that one ought not to count on either the good faith or the favourable disposition of the British ministers, "quelques justes et modérés, quelques avantages même que puissent être pour l'Angleterre, les articles projetés pour parvenir à une conciliation."\(^{13}\) In fact, the only way to assure adoption was to bring fear as to the consequences of an open rupture between the two powers and therefore to proceed by firm, vigorous, well-concerted measures both within and without France which would make known "la légitimité des


\(^{11}\) Ibid., 68: 34.

\(^{12}\) For the advantages already enjoyed by the French in the slave trade in the middle of the eighteenth century see again the author's *British Empire before the American Revolution*, III, 294-5.

\(^{13}\) Arch. Nat., Marine B\(^4\) 68: 37.
prétentions de la France, la justice de ses demandes et la resolution déterminée où elle est, si elle n'obtient justice par les voyes de la négociation, de reprimer les usurpations de l'Angleterre par la voye des armes, de faire la guerre, et qu'elle s'est mise en état de la faire avec avantage, si maleheureusement circonstances lui en imposent la nécessité.\textsuperscript{14}

At this point the Mémoire made an interesting observation upon the constitution of the government of England. The ministry, it was contended, was exposed to two inconveniences through the British constitution each of which was a stumbling-block \textit{écueil} to it: on the one hand, its inability on account of its insecure tenure of power to sustain with sufficient firmness the rights and claims of the nation; and, on the other, the disposition of the nation to go to war rashly in refusing means of conciliation and in rejecting proposals supported by justice and moderation. These inconveniences, it was asserted, arose by reason of the fact that British ministers were more obliged than any other to act in such a manner as would not give a handle to those who might criticize their conduct. Further, the fact was stressed that the Duke of Newcastle was unfortunately still governed by the same principles that had led him in his youth (in order to secure popularity among the Whigs, who had always been distinguished for their hatred of France and the Roman Catholic religion), to put himself at the head of a body of people to burn the effigy of the Pope and to curse France. This rash man had now kindled in the nation a fire on the subject of American affairs, it was declared, that he would have difficulty in extinguishing and which might even consume him. Indeed, his good faith and desire for peace could be questioned—otherwise he would not have hindered the publication of the memorials of the Anglo-French commissaires in 1752 as the means of opening the eyes of his own nation to the justice of the demands of France with respect to Nova Scotia and to St. Lucia.\textsuperscript{15} Happily, this complaisance of the government of His Most Christian Majesty in refraining from publication, could and should now be ended and the memorials should be published, together with the reply of the Compagnie des Indes to the memorial of the United East India Company so that Europe would be

\textsuperscript{14}Ibid.

\textsuperscript{15}For this incident of the British protest against the plan of the French to print and distribute the memorials see again \textit{The British Empire before the American Revolution}, V, 319.
able to see how exorbitant were the demands of the latter and how just the former.\textsuperscript{16}

The publication of the Anglo-French memorials would, however, be only one of the pressures to be applied on Great Britain according to the \textit{Mémoire}. Considerable forces should be concentrated on the borders of the Low Countries and also in the direction of Hanover; again, an ambassador of the first rank should be sent to the sublime Porte in Constantinople—something that would not fail to impress Austria and Holland; further, all preparations for a naval war should be made by floating a large loan; and finally, not only should the printed memorials on the American and Indian disputes be sent to all the courts of Europe, but France should request aid of all friendly and allied powers in case of attack by England; she should also carry her complaints to all the neutral courts, and even to those allied with England, regarding the latter’s infractions of the Treaty of Utrecht and the Treaty of Aix-la-Chapelle by her usurpations and enterprises on the African coast as well as in America and in India. Then—when people throughout Europe had become excited and alarmed over war-like developments by the above measures—without losing a moment a group of the most distinguished men of the King’s Council should be sent to London to aid the Duc de Mirepoix and to supply the firmness and a knowledge of the wiles of the English that he lacked. Among those mentioned as qualified were the venerable Maréchal Duc de Noailles, the Marquis de Puysieux, who had served as Minister of Foreign Affairs with distinction but was in poor health, and the Comte de St. Séverin, the Crown’s representative at Aix-la-Chapelle, who understood "\textit{les ruses et le ton imperieux de cette nation} [Great Britain]."\textsuperscript{17} Added to these great men should be someone with special knowledge of the specific interests involved. For Mirepoix, it was pointed out, had been unable to protect himself against the specious reasoning made use of by the English who were more commonly versed in these matters than were the French. Such an extraordinary delegation of ministers plenipotentiary with wide discretionary powers would make the proper impression and have the effect of obtaining a definitive convention that would assure the continuation of the peace. For they would give England her choice between peace and war and by a firm but moderate tone, supported

\textsuperscript{16}For the demands of the French company and the counter demands of the English, see India Office, Home Series, Misc., 93: 146-160.

\textsuperscript{17}Arch. Nat., Marine B\textsuperscript{1} 68: 52-3.
by reasoning and knowledge, dissipate the "illusions, sophisms, and prejudices" of the English.

Such were the demands to be made by France upon Great Britain as set forth in the Mémoire prepared within that department of the government most vitally and immediately concerned in the threatening overseas issues. It was logical at least in conception but it is also clear that it was too ambitious, too overreaching, too little attuned to reality. Looking to a settlement of all differences between the two countries in the various non-European areas where rivalry existed, this was to be done in such a manner that the future of North America in particular, and also that of the West Indies, the western African coast, and the subcontinent of India, as previously suggested, would be placed fairly and securely in the keeping of France. Yet Great Britain's stake in each of the specific areas of friction, it so happened, was, with the exception of the West Indies, much greater than that of France. This was true both of colonization in areas suitable for it and of private and corporate investment in others not so suited; and, moreover, not only British colonials and English investors but likewise the British public in general were prepared to resist to the limit any such proposed circumscriptions to their future. Therefore no English government would have dared to have sacrificed the national interests to the extent thus demanded in order to keep the peace in the face of what well-informed people could hardly help but feel was a species of international blackmail at its worst. In fact, by the time that the Mémoire was prepared, plans had been laid both in London and in the British colonies, to check, and if possible eliminate, by force what were felt to be outrageous French encroachments in North America. No delegation of diplomats, no matter how eminent, could possibly have weakened the purposes of the British Cabinet Council, which since Newcastle's optimistic prognostication of the future of the peace in the spring of 1754, had by the following spring as a result of colonial appeals been committed by the public demand in Great Britain to a policy of firm resistance.

Nevertheless, no other document among papers in the French Archives has come to the attention of the author of this paper that catalogues so completely and so frankly the specific and at the same time vast French demands, the acceptance of which from the point of view of the Department of the Marine constituted the minimum price of peace; that more clearly lays bare the extent to which the French ministry in a very real sense willed a
war that was to bring in its train a whole series of disasters to France and her Empire—and to the warm-hearted, voluble, highly artistic, and, unhappily, terribly exploited French people. Why did the government of His Most Christian Majesty will this war? The most distinguished of the French authorities concerned with this period, Richard Waddington, gives the answer as he finds it and this should be pondered:

Ils [the French ministry] refusent à l'Angleterre les sacrifices que demand cette puissance, non parce que l'intérêt de la France est sérieusement engagé dans la possession de territoires inhabites au fond de l'Amerique, mais parce que cette concession serait considérée comme un amoindrissement de la souveriné à sa dignité.... La cour française ne sut appuyer les pretentions que lui soufflait sa vanité ni par l'énergie de ses décisions, ni par l'activité de ses préparatifs, ni par le triomphe des ses armes. C'est à bon droit qu'elle port devant l'histoire la responsabilité de fautes qui entrainèrent la perte de son empire colonial, et la déchéance de son influence en Europe.18

One might have reason to think that if France were to be committed to contend for such high stakes in America, Africa, and India by her ministry that the latter would have had a continental policy both clear-cut and consistent. But this was not the case as Waddington has made clear. For example, in the spring of 1755 two mémoires were prepared by people identified with the French foreign office outlining what to them would constitute a proper continental policy for France in connexion with her conflict with England embracing these world-wide interests. Each of these19 called for the occupation of the Netherlands and the invasion of Hanover—consistent enough with the older pattern of strategy employed against the continental allies of Great Britain. But the idea of a European war to obtain overseas objectives was opposed by three of the most eminent of French statesmen: Puysieulx, St. Sévrin, and the Maréchal de Noailles.20 The confusion in French continental policy throughout the entire year 1755 and well into 1756 was indeed very great. What Rouillé at the head of foreign affairs might write in the way of instructions to an ambassador one day would perhaps be quite invalidated the next when under the King's sign manual this ambassador would receive highly confidential royal instructions; the latter were part of the famous King's "secret," that, after all, was perhaps not

18 Waddington, Louis XV, 112.
19 For the mémoire having date of March 18, 1755, see ibid., 157-8, and for that prepared by Ledran and de Bussy ibid., 159.
20 Ibid., 159-60.
quite so secret. The minister, in fact, was busying himself with negotiations in terms of traditional policy; the King, without taking him into his confidence, was at the same time destroying the foundation upon which this policy rested. Nevertheless, it may be affirmed that the larger aims of France and the means for realizing them, as set forth in the elaborate Mémoire prepared by the Department of the Marine early in 1755, was the chief guide to policy up to the spring of 1756 and gave a certain coherence to what superficially was incoherence. This can be indicated by the following steps that were taken:

First of all, the Mémoire pointed to the necessity for unusual self-restraint on the part of France in Europe—no matter how far she had disregarded this principle of self-restraint in America. She therefore submitted with only angry protests to seeing hundreds of her merchant ships overhauled by the British navy and carried to English ports for admiralty condemnation—as reprisal for her North American encroachments; she at the same time did not fail to make anguished appeals to all the states—to her allies, to neutral powers, and even to those allied with Great Britain—to witness her own peaceful inclinations, her own unoffending conduct, in Europe and in European waters as against the unwarranted aggressions and piracies of her jealous rival. At the same time she prepared herself as rapidly as possible for the waging, if need be, of a successful war on land and sea against the latter in order to retain her incalculable advantages in the New World already won as the result of well-planned military moves and to secure added advantages in Africa and India. Thus she sought to win the sympathies of the nations of the world while hurriedly mobilizing her strength for the supreme test. Her need was for time and this she bought as cheaply as possible.

Again, in accordance with the proposals of the Mémoire, the French ministers printed and sent to every leading court of Europe the memorials of the Anglo-French Commissaries relating to the dispute over Acadia and that over St. Lucia. Also in

21For an exhaustive account of the royal secret diplomacy by a descendant of one of Louis XV's leading generals, the Maréchal de Broglie (an account not in itself above all criticisms with respect to interpretation), see the Duc de Broglie's The King's Secret: Being the Secret Correspondence of Louis XV with his Diplomatic Agents, from 1752 to 1774 (2 vols., London, n.d.). The royal secret correspondence seems to have extended to England but the Duc de Broglie does not emphasize this.

22These appeared in Paris in 1755 in three folio volumes under title Mémoires des Commissaires du Roi et le ceux de sa Majesté Britannique, sur les possessions & les droits respectifs des deux Couronnes en Amerique; Avec les actes & pièces justificatives; a fourth volume relating to the Neutral Islands appeared in 1757. In reply, the British pub-
accordance with its recommendations they not only floated a loan, but set to work to expand the already large French army and to bring the navy up to its highest efficiency; further, in line with this, they sent to Constantinople an ambassador of the highest rank in the person of Charles Gravier, the Comte de Vergennes, in order to win the support of the Turks; and, finally, they planned to send one or more influential Frenchmen to strengthen the Duc de Mirepoix's hands in London, before events in the New World suddenly brought about the termination of his activities in England. That they did not concentrate a large army on the borders of the Austrian Netherlands and proceed to subsidize the Turks to make threatening moves against Russia and Austria, as it had urged, is to be explained by the fact that after the plan had been prepared and amended the relations between France and the two latter countries rapidly improved—particularly with the veering of Austria away from dependency upon Great Britain in accordance with the new policy introduced by Kaunitz and the secret diplomacy of Louis XV that led to the dramatic shift in alliances.

It may therefore be said in conclusion that students should treat with reserve the statements by Waddington and many other writers influenced by his exposition of French policy, that the French ship of state, during the critical period when events were rapidly pushing the world into the abyss of war, was moving hither and yon without rudder or direction. It is clear that the larger objectives with respect to North America, the West Indies, Africa, and India were never for one moment forgotten but kept clearly in mind. Only the specific means to realize these were for a time obscured and gave the deceptive appearance of vacillating policy until with the reversal of the European alliances and the invasion of Minorca any appeal short of all-out war became impossible.

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lished both in London and at the Hague their own editions of the memorials. These appeared under title Memorials of the English and French Commissaries Concerning the Limits of Nova Scotia and Acadia (London, 1755) and All the Memorials of the Courts of Great Britain and France Since the Peace of Aix-la-Chapelle Relative to the Limits of the Territory of both Crowns in North America; And the Right to the Neutral Islands in the West Indies (The Hague, 1756).
THE ART OF PRESERVING AN EMPIRE

By

Lawrence Henry Gipson

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THE ART OF PRESERVING AN EMPIRE

By Lawrence Henry Gipson*

Students interested in European overseas expansion and particularly in British expansion will feel indebted to Professor Schuyler for bringing together in *The Fall of the Old Colonial System*¹ a group of essays already published and for supplementing these with three additional essays and a comprehensive bibliography. Here is now presented in broad outline the successive steps that led to the transformation of the old mercantilist British Empire of the eighteenth century into the free-trading empire of the late nineteenth. As Professor Schuyler points out, this study has been limited to an examination of printed materials. But let no one surmise from this that it is the product of a hasty and superficial approach to the subject. On the contrary, it is an excellent example of the extent to which certain topics—such as the one here chosen for treatment—can be given the careful consideration that these deserve, even under the trying limitations placed by war-time restrictions upon the use of manuscript sources. As the bibliography indicates, published sources and published contemporary writings relating to the subject are numerous and much of this material is of the highest importance for the purpose in hand; moreover, this is supplemented by a very considerable body of secondary literature that has a very direct bearing upon the problems under consideration. Therefore, accepting the self-imposed limits that the writer placed upon himself in confining his attention to the evolution of imperial policy insofar as this relates to the two phases, colonial commerce and defense—to the exclusion of a discussion of the administrative machinery implementing that policy or the constitutional aspects of it—is clear that his *The Fall of the Old Colonial System* is a very significant contribution to our understanding of one of the most striking historical developments in the history of overseas empire.

*Dr. Gipson of Lehigh University is continuing the writing of his *The British Empire before the American Revolution*, the fifth volume of which was reviewed in the July, 1944 issue of this magazine. The sixth volume will appear early in 1946, under the title, *The Great War for the Empire: The Years of Defeat, 1754-1757.*

In the introductory essay, which involves a consideration of mercantilism, Professor Schuyler shows the difficulties that face the student in attempting to reconcile all the views of contemporary and later writers on the nature of it, as applied to the old British colonial system. To him this system was essentially commercial\(^2\) and he can develop a very good argument for his position if he limits his survey to the period of a century, that is, from the year 1648 to 1748. But after that date imperial policy shifts its emphasis from the commercial to factors of power and protection—and to an equalization of the burdens that these two last named involve.

In other words, an essentially commercial system, such as is to be found in the accumulation of regulations and restrictions placed upon colonial activity in the course of a century, looked primarily to immediate financial gains on the part of English manufacturers, merchants, and shipowners and to the strengthening of England's financial position. Consistent with this policy the government displayed a corresponding reluctance to involve the royal treasury in outlays for colonial enterprises and for territorial expansion that did not envisage immediate commercial gains. When financial risks were involved in the building up of the Empire during this period these were, as a rule, assumed by individuals or by groups, with the Crown limiting its responsibilities to the granting of letters patent for specific undertakings. The War of the Spanish Succession, so far as England was concerned, involved two principles and two sets of interests: one was opposition to the establishment of a French hegemony over Europe with the dangers inherent in this to the British Isles; the other was opposition to the consolidation of the French and Spanish empires with all that might be implied in the blanketing and envelopment of English overseas interests. The Treaty of Utrecht, that brought this struggle to an end, displayed all the characteristics of the essential commercial nature of the English colonial system to which Professor Schuyler refers. This was also true of the Treaty of Aix-la-Chapelle, that terminated in 1748 the second War of the Austrian Succession. But the "commercial" Empire after this date seems to have taken a secondary place in the evolving British policy to the "power" Empire. In other words, a system that looked to immediate commercial gains gives way to a system that sacrificed these to long range policy of power consolidation in North America. Already a breach had been made in this purely commercial system in the setting up of Georgia as a buffer colony, chiefly

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\(^2\) *The Fall of the Old Colonial System: A Study in British Free Trade, 1770-1789, 3.*
at the expense of the Crown. Now large and continuous appropriations, without prospect of immediate financial returns, were made by Parliament for the subsidization of the coloniza-
tion of Nova Scotia as a second buffer semimilitary colony; then came the subsidization of Virginia's efforts to prevent French domination of the Ohio Valley. With the inception of the Seven Years' War, commercial considerations drop quite into the background and, likewise, in the Treaty of Paris of 1763 these same considerations have to give way to those involving power and security for the Empire.

As to the nature of the struggle that ensues between the mother country and the American colonies after the collapse of France's New World empire, here again it would appear that "power"—its location within the British Empire and its use—was the paramount issue. Not that there were no other issues, other elements of friction within an empire that contained not only two competitive systems of capitalism, as Professor Hacker in his *The Triumph of American Capitalism* has so clearly indicated, but also other growing divergencies: such, for example, as those between a settled, conservative civilization rooted deeply in the past with a good deal of social and institutional stratification, on the one hand, and one that was in the process of profound changes as the result not only of the fusing of English with non-English elements but also of the impact of new conditions of life upon inherited Old World modes of thought and action, on the other.

With respect to this internal struggle for power, it may be seriously questioned whether the First Continental Con-
gress, rather heavily weighted with conservatives, could pos-
sibly have guaranteed, as it offered to do, that reserve of authority to Parliament and the Crown in the preservation of the Navigation System—accepting the conclusions of Professor Lawrence A. Harper, the leading American authority on this system, that its economic effects upon the colonies were not such as to justify revolt. For it is clear that the temper of large sections of the American trading public was in such op-
position to the enforcement of this system—especially at the hands of British customs and naval officials—that it is more than likely that, at best, the guarantee of the acceptance of it by the colonials would have been an idle gesture and, at worst, the cause of the spread of conditions approaching complete anarchy along the North Atlantic seaboard.

Professor Schuyler, in setting forth the anti-imperialistic ideas of Dean Tucker, gives due weight to the convictions of

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the latter, held well before the American revolt, that, before the conquest of New France, self-interest alone had bound the colonies to the mother country but that after the conquest this same self-interest operated to release them from this dependence. In the light of the ever increasing divergencies between these widely separated groups of English-speaking peoples, this view can now be seen to have been profoundly prophetic. Yet the fact that self-interest was destined to lead the colonials to cut the ties that had so long bound them to England does not in itself justify condemnation of the system under which they had waxed strong and had finally attained a high degree of political and economic maturity. On the contrary, it may be argued that no other more effective system for the nurture of infant colonies and their growth into self-reliant commonwealths could easily have been devised in the seventeenth and eighteenth centuries—taking for granted the existence of the menacing, rival systems of Spain, France, and Holland—than that evolved by England. The cliché of Thomas Paine, embodied in his Common Sense, will therefore not bear critical examination: "I have heard it asserted by some that... America has flourished under her connection with Great Britain... I answer roundly, that America would have flourished as much and probably much more, had no European power had anything to do with her."

What was, after all, this old colonial system, the transformation of which is so clearly set forth in the present volume? It was certainly more than the complex of regulations that would guarantee to Englishmen the benefits of drawing upon the material resources of the Empire; it was more than a series of devices for insuring the maintenance of effective sea power; its greatest significance indeed would seem to lie outside of the techniques for mere wealth accumulation as well as for maintaining naval supremacy, important as these undoubtedly were. For it made possible a series of vastly significant experiments by groups of English-speaking people in the art of living—of living pretty much according to the peculiar ideals of each group. Never before had the world witnessed among free men on so large a scale such diverse demonstrations of this capacity to mold the political, social, and economic institutions that gave their aspirations both direction and bounds, as took place in North America from the early days of colonization to the very outbreak of the Revolutionary War. This old colonial system also provided an impressive demonstration of the inherent merits of harmonizing to a certain degree local divergencies within an empire by the exercise of au-

4 Schuyler, The Fall of the Old Colonial System: A Study in British Free Trade, 1770-1870, 45-46.
tority on the part of centralized agencies of control and therefore conferred the benefits, if not the forms or legal basis, of federalism. Finally, in the hour of greatest need, when the momentous struggle in North America began in 1754 to determine which civilization, English or Gallic, was to be supreme on this continent, the system showed its capacity to pay the costs of victory, high as these were.

But the series of English-speaking commonwealths—evolved from colonial establishments under the conditions described above—could not be expected always to remain willingly in a state of dependency upon the parent country, if self-interest did not dictate the necessity for this. Nor could the people of the parent country be expected to continue to bear willingly the great charges involved in the protection of these commonwealths, if self-interest was absent. The history of the English-speaking people from 1763 to 1870 illustrates the operation of this principle of self-interest—as it does likewise the testing of conflicting constitutional theories, the product to a very great extent of self-interest.

When the Thirteen Colonies resisted the application of the theory that sovereignty was indivisible and could only be exercised by an indivisible authority within the Empire and forthwith established their independence as fully sovereign commonwealths, they based this action upon the theory of the divisibility of ultimate power or sovereignty within a nation, and embodied this theory in the Articles of Confederation. It is, indeed, one of the ironies of history that the American nation ultimately, as the result of the bloody Civil War, repudiated definitely this theory in taking its stand upon the doctrine of the indivisibility of sovereignty. In contrast, soon after the vindication of this principle within the United States, Great Britain, by the North American Act of 1867 applied to Canada, laid a broad foundation for colonial autonomy and thus prepared the way for the eventual recognition of the principle of the divisibility of sovereignty within the British Empire—something which Parliament in 1775 could not bring itself to contemplate but to which in 1931 it gave full expression in the Statute of Westminster. It is also one of the ironies of history that American colonials—as Paine took good care greatly to emphasize in his Common Sense—had by the beginning of 1776 come to the conclusion that they were fighting Great Britain, among other reasons, to establish the principle of the freedom of commercial intercourse. But once they became an independent American nation they slowly but surely moved away from that principle. Starting with the first Navigation Act passed during Washington's administration, in the course of the next century and a quarter they came to embrace a neo-mercantilism, which at its high point of development, according to Arthur Bullard writing
in 1922 in Our World, contained a larger number of restrictions upon the commerce of American oceanic possessions than were fastened upon the overseas possessions of any other nation outside of those of Japan. On the other hand, the government of Great Britain, convinced in 1775 that the welfare of the nation demanded the maintenance of all the existing restrictions on trade, was just as much convinced a century later that the welfare of the nation demanded the removal of all of these restrictions in favor of free commercial intercourse. The element of irony is further manifest in the fact that among the deepest seated of the grievances that Americans had against Great Britain in 1775 was the presence of British garrisons in their midst and the refusal of the Crown to withdraw them. To the contrary, as the Fall of the Old Colonial System makes clear⁵, one of the deepest seated of the grievances of Canada and New Zealand against Great Britain a century later was the determination of the Crown in the face of the most vocal protests to withdraw from these commonwealths all garrisons of British regulars that had been stationed within them, both for external protection and for internal good order.

In tracing the movement within Great Britain away from the principle of early eighteenth century mercantilism and in the direction of late nineteenth century free trade Professor Schuyler abundantly illustrates the degree to which English writers and statesmen became convinced that the old system bestowed disproportionate benefits upon the colonials and disproportionate burdens upon the people of the mother country. It is probably a fair statement to affirm that during the first century of the operation of this system, that is, roughly from the year 1650 to 1750, the benefits and burdens of the system—taking all factors into consideration and viewing the period as a whole—were fairly evenly distributed between the people of Great Britain and those of the continental colonies; after that date until 1775 the burdens resting upon the people of Great Britain—in view especially of their tremendous sacrifices in protecting the interests of the colonials during nine years of hostilities with France—were probably greatly disproportionate to the benefits received and, correspondingly, the benefits enjoyed by the colonials were probably greatly disproportionate to the burdens assumed. The attempt to re-establish an equilibrium and equalization of benefits and burdens within the Empire led to its rending.

It is clear that Britain's high determination to retain the Thirteen Colonies in 1770 did not hold them and it is equally clear that her cold indifference toward Canada a century later, did not induce the latter to follow the example of her neighbor to the south

⁵ Schuyler, The Fall of the Old Colonial System: A Study in British Free Trade, 1770-1870, Chapter VI.
and to seek independence that could have been had for the asking. The various reasons in favor of freeing Great Britain from the bonds that bound her to Canada and other colonies as advanced by leading Englishmen both in and out of office during the eighteen-sixties, are clearly set forth in Chapter VII, entitled "The Climax of Anti-Imperialism." These reasons included the one advanced by the free trader Goldwin Smith that "Trade is everywhere free, or becoming free; and this expensive and perilous connection has entirely survived its sole legitimate cause." To the government expert on colonies, Henry Thring, the independence of colonies was a natural termination of a temporary connection and he therefore sought to formulate a comprehensive scheme that would have this end in view by gradually preparing the colonies for final separation. To Charles Dilke, however, writing in 1869, this freeing of the colonies should have as an ultimate goal the development of a very close political interdependence among all English-speaking people. His words are of interest, especially in view of the extent to which collaboration between the English-speaking peoples has gone in the waging of the war, now brought to a close, and in the making of peace: "After all, the strength of the arguments in favor of separation is the somewhat paradoxical one that it would bring us a step nearer to the virtual confederation of the English race."

But with all of this encouragement from the mother country the colonies did not act. Indeed, in the words of Sir Edward Thornton, British minister in Washington writing also in 1869: "The Canadians find great fault with me for saying as openly as I do that we are ready to let them go whenever they wish, and declare they do not desire it." As Professor Schuyler emphasizes, the only Canadians that at any time became very articulate in favor of separation and that actually sought to break away from England in order to consolidate with the United States and to that end created an "Annexation Association" was a group of Tories—the reversal of history with a vengeance!

The Fall of the Old Colonial System shows how anti-imperialism having reached its crest in England in 1870 was followed by a revival of interest in empire and the development of the new imperialism. In this connection, the encouragement by Great Britain of the growth of self-governing dominions, carrying full responsibility for their own welfare, seemed a paradoxical way to strengthen the Empire—and indeed ran counter to all past polit-

7 Ibid., 247.
8 Ibid., 253.
9 Ibid., 270.
10 Ibid., 240.
ical experience. Nevertheless, the secret of its extraordinary vitality, as tested both in peace and in war in our own day, seems to lie in the very scope of that freedom of action accorded to the principal units within it. Indeed, not the least among the paradoxes that fills its history is that the independent American nation can now be counted as firm a guarantor of its essential integrity from external assaults as it was once firm in its determination in the two wars waged with Great Britain to bring it to an end.
British Imperialism and the Conception of Trusteeship

By Lawrence Henry Gipson*

The British are an acquisitive people who in the course of three centuries have created an empire scattered throughout the habitable parts of the earth's surface and embracing all manner of people from the most advanced in their civilization to the least; yet this acquisitiveness is balanced and even supported by a very genuine humaneness and willingness to share. They are an island people; yet their geographical insularity goes hand in hand with a remarkably broad and understanding world-outlook. They are as a people strongly devoted to traditional ways; yet within the framework of this traditionalism they exhibit the capacity, when challenged to do so, to adjust their thinking and to improve their own way of life and, to a lesser extent, that of those for whom they have assumed responsibility. They are as a people little given to the drawing up of elaborate patterns and plans in the field of statecraft, but rather rely upon improvisation; yet what they bring to realization stands the acid test, as a rule, of applicability and thus the test of what is logical.

The Imperial Commonwealth by Lord Elton,* that has recently appeared, is concerned with this British acquisitiveness; with this world outlook—in spite of, or perhaps as the result of, an insular position; with this traditionalism that serves now as an anchor and then as a rudder to the ship of state: and finally with this tendency to avoid theoretical political blue prints. Through its pages there unfolds the epic of English, and, after 1707, British, expansion from the days of Queen Elizabeth to our own. The author addresses his book to Americans with the hope that it may serve to reinterpret to them the aims and ideals of the people of Great Britain—embodied and exemplified in the long course of their overseas activities. He is therefore not addressing the specialist in the field of history that concerns him, but rather the intelligent layman and the work must be judged accordingly. No cynic, no doubting Thomas,

*The writer of this article (Idaho and Lincoln '04), is the author of the series The British Empire before the American Revolution. Volume VI, entitled The Great War for the Empire: The Years of Defeat, 1754-1757 was reviewed in the July number of this magazine.

1 Imperial Commonwealth. By Lord Elton with a Foreword by Allan Nevins. Reynal & Hitchcock, New York, 1946, pp. x, 544. $5.00.
respecting British imperialism, could or would have written such a book. For it is the product of one who believes profoundly in the historic, and with it the benevolent, mission of the British people in the world of modern times and who affirms that wherever their power has extended, there has come with this extension—in so far as given conditions would admit—not only, first of all, order and justice, but ultimately, liberal institutions, the air of freedom, and a new emphasis upon the dignity of the individual. Yet in taking this position Lord Elton makes no effort to minimize past mistakes in national policy and errors of judgment, if not worse, on the part of individual Englishmen. In fact, some of his condemnation of his own people is perhaps overly severe.

The English are unique among the European peoples. They conquer the hostile Welsh and in 1542 incorporate Wales into the Kingdom. In the course of time they place this people on a basis of perfect equality with themselves and it is to a Welshman that they turn in the great crisis of the First World War to carry them to victory. They unite with the Scots in the early part of the eighteenth century on terms very advantageous to the latter and—in spite of a "Little England" attitude displayed at times by some of them—proceed in the course of time to in-

trust to those living north of the border, who for centuries had been considered enemies, many of the chief offices of the United Kingdom. They absorb Canada later in the same century. With the evolution of the imperial system they ultimately provide that country not only with dominion status but affirm for it the principle of equalit of national language, and religion. This makes it possible for a descendant of the conquered French Canadians, and a Catholic, to attain the premiership of the Dominion; and to assert in behalf of his fellow Canadians in addressing French men in Paris in their language and 

his (p. 430):

We have liberty, absolute, complete,—pardon my national pride for the affirmation I am making—more complete than in any country whatsoever in the world. . .

They overwhelm the sturdy Boers in a hard-fought war toward the close of the nineteenth century and once again lay down a basis of accommodation between two previously hostile people so favorable to those of Dutch ancestry that within the federation and under the terms of the Act of Union of South Africa, the latter find themselves actually in a position which enables them to dominate the victors and to give laws to them. The Boers therefore come to realize, as was the case of the French Cam-
adrians, that many of their vital interests under the British flag are more fully protected than they were before incorporation within the Empire. It is therefore perhaps not surprising that two of the most determined of their generals who fought against the British—Smuts and Botha—should with the outbreak of the First World War take command of South African armies, made up of English-speaking and Dutch-speaking troops, and invade and conquer both German East Africa and German Southwest Africa for the Empire. It is also Smuts that stingingly rebukes those Boers who hold back and show sympathy for the Germans and hostility for the British in declaring (p. 475) that

since the South African War the British people gave South Africa her entire freedom under a constitution which makes it possible to realize our national ideals along our own lines, and which, incidentally, allows you to write with impunity a letter for which you would, without doubt, be liable in the German Empire to the supreme penalty.

It is likewise Botha who thereupon crushes a rebellion of pro-German Boers. But the most remarkable of all acts of political foresight, if not self-abnegation, on the part of the British people, comes in 1931 in the famous Act of Westminster. By this act Parliament goes on record in announcing that the dominions are mature politically and are therefore free nations, possessed as such of the right even to secede from, and to become fully independent of, the Empire, or what now comes to be known as the British Commonwealth of Nations.

The story of this evolution of dependent British colonies to the status of self-governing British commonwealths, as Lord Elton makes clear, embodies spiritual as well as purely material factors, as does also the evolution of British policy respecting India and other groups non-European in origin. Throughout his narrative he stresses—and very correctly—the ever-widening application of the conception of trusteeship and the empire from the days when Burke in the eighteenth century thundered against Warren Hastings in the famous trial of the latter on charges of misconduct in India. The degree to which this principle of trusteeship is emphasized in our own day was impressed upon the writer of this article when he came into possession of a rather extensive correspondence between a leading British coffee planter of Tanganyika Territory and other prominent people in east central Africa. Throughout these letters, written between the First and Second World Wars, there runs a deep grievance against the mother country. For the latter, from the point
of view of the writers, had shown much more interest in the welfare and progress of the natives than that of the British settlers.

The treatment in this volume of the crisis that led to the outbreak of the American Revolution shows great generosity for the American point of view. Lord Elton, in fact, is even over-generous to the extent of exaggerating the basis of the American grievances before 1775, when he writes (p. 182):

[that] a number of American colonial manufactures likely to compete with British industries had been before 1775 suppressed altogether—wool and bar iron in 1719, felt hats in 1732, molasses in 1733 and steel furnaces in 1750.

Had that been the case one would be certain that in the face of such harsh and selfish treatment the Americans would not have waited until 1775 before staging a revolt. There were restrictions, it is true, respecting the production, the importation, and the exportation of these commodities but no destruction of any industry in America. Under the law encouragement was given to produce and export American bar iron to England; under the law American steel furnaces then in existence could produce freely after the Iron Act of 1750; under the law, as modified in 1764 and 1766, any quantity of molasses—whether produced in the British or the French West Indies—could legally be brought into the continental colonies by the payment of a trivial duty; under the law likewise woollen goods an felt and beaver hats, designed for consumption within the province where they were produced, could be freely manufactured and sold locally.

In absolute fairness to the people of Great Britain it would be proper to point out that whenever Parliament placed a restriction on particular business activity in the colonies it sought to promote some other profitable activity there, by providing special rewards in the form of cash premiums or through other special encouragements. What Britons very consciously sought to realize was a great, self-contained Empire, so regulated that each constituent part would make some definite and peculiar contribution of importance to the prosperity of the whole and no portion would drag down another into ruin, with attendant social as well as economic consequences. This eighteenth century system of a planned and ordered Empire, functioning harmoniously and vigorously in the interests of all, was doomed of course to be outmoded. Yet this was not realized by Englishmen before 1775. In the words of the author (p. 179):

it occurred to nobody, not even to Chatham or to Burke, that the whole current conception of colon-
ies, that ideal of a self-sufficient Empire regulated by the mother country, which we know as the Old Colonial System, might need to be abandoned. To have perceived this would have required a moral strength which Britain did not possess.

To Lord Elton there was therefore a moral issue involved in the maintenance of the Old Colonial System that Britain did not have the courage to face. One may be permitted to ask, however, what practicable, really workable substitute existed for it before 1775? Theoretically, parliamentary franchise could have been extended to the American colonies and representatives from them admitted to the House of Commons on a basis of perfect equality with those elected in Great Britain. No responsible British statesman ever objected to this, in so far as available evidence indicates; although George Grenville, it is true, pointed out to the colonial agents in 1764 the enormous difficulties that the colonies would face in attempting to implement any act providing for it. Among the Chatham Papers there is, in fact, an elaborate plan for colonial parliamentary representation. But this was neither requested nor was it desired by colonials, who made this perfectly clear not only in the Stamp Act Congress of 1765 but in the famous Massachusetts Bay Circular Letter of 1768. Theoretically, an American union on the order of the Albany Plan, drawn up by Benjamin Franklin in 1754, would have met the needs as a substitute for the prevailing system of control. But it is well to remember that the opposition to the “Plan” came not from Great Britain but from the leaders in the colonial assemblies, who would have none of it and even instructed their London agents to oppose its adoption by Parliament with all the resources at their command.

In fact the Old Colonial System, defective as it was, possessed great merits for immature overseas settlements. Under it the American colonies had been not only protected but permitted to flourish in a way that no colonies of any other imperial power had; under it Americans had been permitted to develop such political experience, such liberal institutions, as the colonials of no other nation had ever previously acquired; under it the local assemblies had gradually come to claim such broad powers that they finally were prepared to challenge Parliament in its competence to regulate them. It was not exploitation and oppression of Americans by the British—as tradition has it—that brought on the American Revolution, but rather the logical evolution, the final flowering, of the system of free government. This led American
leaders, when the issue of parliamentary taxation arose, to affirm that their assemblies and not the imperial legislature was the final source of authority within the bounds of the respective colonies and over the lives of the inhabitants of the same. Indeed, within the bounds of the Old British Empire there had developed a powerful, centrifugal movement that finally led to the most fundamental of all issues involving its integrity—where did ultimate authority reside? Was sovereignty within the Empire a seamless garment? If so, was Parliament, as Blackstone affirmed, the custodian of it? Or, was it a garment that could be divided into many parts and that had, in fact, been distributed by 1775 among the constituent units of the Empire, as colonial leaders were then prepared to insist? If so, when had this division of it, this distribution of it, taken place? Was it in 1620 with the coming of the Pilgrims? Was it in 1689 with the Glorious Revolution in England? Was it in 1763 with the termination of the Great War for the Empire against France? Or was it in 1774 with the meeting of the First Continental Congress? Americans might not agree as to when this took place but that it had taken place was a proposition they would defend with their lives.

This lusty eighteenth-century American particularism, as the political scientist would call it, was accompanied by deep-lying divergencies in interest and point of view between colony and colony, manifested by jealousies and rivalries. The latter centered in such matters as disputed eastern boundaries; western land claims; the control of powerful trans-Appalachian Indian tribes; the economic exploitation of the vast lucrative fur and deer skin trade; the friendly relations of New York with the French Indians, even in time of war, who preyed upon the New England frontier settlement and even sold their booty to the neutral Dutch-speaking traders of Albany; and the discrimination against, and barring of, the currency of one colony by another. Virginia would not permit the currency of North Carolina to circulate within its borders, nor would Massachusetts Bay honor that of Rhode Island; South Carolina levied confiscatory duties upon North Carolina’s chief products—naval stores—which could not be exported out of the colony directly because of the lack of proper harbors; New York and New Hampshire were in a bitter deadlock over the lands now embraced in the state of Vermont; and Connecticut men actually invaded the northern part of Pennsylvania and attempted to seize it by force of arms. To such an acute observer of developments in America as Dear
Tucker the idea that the peoples of these little republics under the name of colonies would ever be able to unite voluntarily into a union, was “one of the most visionary notions ever conceived.” To him their mutual antipathies and clashings of interests ... their difference of governments, habitudes and manners, indicate that they never can be united.” Indeed, it is quite likely that had Great Britain voluntarily abandoned the Old Colonial System and with it sovereignty over the American colonies in 1763 — after she had freed them from the menace of the French and their Indian allies in the Great War for the Empire that raged for nine years in the New World — there would have taken place something very similar to that which later actually transpired in Spanish America in the nineteenth century: the “Balkanization” of the North American continent. Only a great danger, an unusual crisis, it is clear, could have made the eighteenth-century colonials forget temporarily their animosities against their neighbors and their intense devotion to the principle of complete self-government, to unite sufficiently to ward off the peril. One may go so far as to affirm that one of the greatest services that Britain rendered to America, unintentional as it was, was the determination in 1775 to defend the principle of the unity of sovereignty and to prevent the establishment there of the principle of local sovereignty. For the war that followed alone made it possible for the revolutionary continental Congress to function in the name of all Americans and to exercise powers far beyond those that Franklin had consigned to his American union that had been scornfully rejected by colonials. While it is true that, with the successful termination of the War for American Independence, the colonies reverted under the weak Articles of Confederation to their old particularism, a precedent, nevertheless, for real and effective union had been established. Therefore, as the minds of men cooled and cleared in the face of hopeless confusion, Confederation bankruptcy, and contemptible weakness in foreign relations, they came to see the merits of some real authority beyond the individual state limit that could act upon persons — even levy upon them — and regulate their external commercial relations. As a result they wrought and adapted the Constitution of 1787 and by it North America was destined to be saved from the plague of a multiplicity of small, weak, independent, rival states.

In conclusion, it may be stated that the Old Colonial System of Great Britain certainly presented moral issues, some of them grave. But the question will inevitably be raised by the student who ap-
proaches the study of the System with intellectual detachment, as to whether these issues relate so much to the behavior of the mother country—to her sins of commission and of omission—as to the attitudes assumed and the policies adopted by the inhabitants of the individual colonies, especially toward outsiders, whether near neighbors or those living in other parts of the English-speaking world? Certainly the maintenance of a great overseas Empire in a spirit of justice and equity for all within it was never a simple thing. It was especially difficult in the eighteenth century in the face of an individualism, as well as particularism among American freemen that had grown beyond bounds; it is, as Lord Elton makes clear, equally difficult in the twentieth century, in the face of world-wide stirrings, particularly among backward, dependent peoples. But no nation was ever more highly endowed with qualities essential for such a task than the people of the British Isles.