

SARAH TRYPHENA PHILLIPS LECTURE IN AMERICAN  
LITERATURE AND HISTORY

THE END OF BRITISH ADMINISTRATION  
IN THE NORTH AMERICAN COLONIES

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THE study of Britain's administration of the American colonies encourages, if it does not impose, a conservative view of events. The task of governing, of merely keeping things going, seems so difficult that one's sympathies are easily engaged on behalf of those who had to perform it; opposition, by contrast, is made to appear irresponsible and facile. Abstracted from official sources, the administrator's situation resembles that of the devoted quartermaster of a leaking and ill-found vessel, sailing now on this course, now on that, at the behest of a succession of mad captains, while below decks a tiny and inexperienced crew strives to prevent the ungrateful passengers from opening the sea-cocks. Under such conditions, mutiny, even in such a cause as independence, looks like perversity. This is perhaps the greatest difficulty the student of administrative records must overcome: how to extract the valuable data they contain and yet avoid becoming obsessed with the point of view they enshrine. His second problem is likely to be survival. Adapting the words of Moses C. Tyler to the British official documentation of North America, we have to confront 'a vast morass of technical discussion, into which, perhaps, no living reader will ever follow the writer, from which, in fact, the writer himself never emerges alive'.<sup>1</sup> This may seem a pessimistic appraisal; but the records of the American Department and the Board of Trade, merely for the years 1770 to 1776, contain 13,255 letters and papers respecting North America, not to mention formidable contributions by other British departments of state which

<sup>1</sup> Quoted by Daniel J. Boorstin in Edmund S. Morgan, ed., *The American Revolution: Two Centuries of Interpretation* (Englewood Cliffs, N.J., 1965), p. 122.

had a hand in governing the colonies. To reduce these files to a set of credible historical propositions is doubtless beyond the capacity of a single person; but not to attempt it is to connive at less than a complete view of the great events with which they are concerned.<sup>1</sup>

## I

It is a characteristic, arguably the distinguishing feature, of the American Revolution that it was made by men who were already free, individually freer than the people against whom they revolted. Nowhere, at least nowhere within the European traditions of law, order, and the rights of property, did the hand of government rest more lightly than it did on the American colonists; nowhere were there fewer restraints on freedom of movement or on entry into trades or professions; nowhere could authority, anyway imperial authority, be criticized so violently or with such impunity. There was no Bastille for American freedom-fighters, no *lettres de cachet*, no bureaucratic oubliettes into which a man might fall and be lost for years. These immunities were only in part the effect of inheritance; in part they grew out of British neglect and British reluctance to spend on colonial government more than a small fraction of the profits earned in colonial trade. The first task of the historian of colonial administration is to identify the inadequacies and frailties which permitted the colonists to transform an English inheritance into a distinctive American tradition.

Incoherence, typical of an *ancien régime*, prevailed at the centre of empire. British administration on the eve of the American Revolution was, as it had always been, a patchwork of independent agencies and separate interests working on different lines and for different purposes. Constitutional theory gave the duty of co-ordinating these interests to the Privy Council. It

<sup>1</sup> This paper is based on an edition, now in preparation, of the Colonial Office records for 1770–83, preserved at the Public Record Office, London. Seven volumes have so far been published: K. G. Davies, ed., *Documents of the American Revolution* (Colonial Office Series) (Shannon and Dublin, 1972–4). Other volumes are in the press. Where appropriate, citations in the present paper are to the published volumes, using the abbreviation *D.A.R.*; otherwise, P.R.O. references have been given. Spelling of common words, use of capitals, and punctuation, have been made to conform to modern practice. I am grateful for a Leverhulme Research Grant which enabled me to read in the Boston Public Library and, I hope, to escape from the worst consequences of obsession with the British administrator's point of view.

alone had the power to nullify laws enacted by colonial legislatures; it alone could issue or alter the standing instructions given to royal governors at their entry into office, instructions which minutely regulated the conduct of the King's representatives and which supplied major topics of conflict with the colonists.<sup>1</sup> In practice, however, a vast amount of colonial business was transacted without reference to the Privy Council; and since the Council had no independent sources of information on colonial matters, it was largely dependent on recommendations reaching it from below. When problems came before it, on which arbitration was genuinely needed, the Council was apt to become the place where disagreements in the ministry were re-fought in a more formal setting. This happened in 1772 over the sale of a large tract of land on the Ohio to a group of fortune-hunters headed by Thomas Walpole and Benjamin Franklin. Hillsborough, the Secretary of State for the American Department, was utterly opposed to western expansion in America, for fear that inland colonies would become economically, hence politically, independent of Britain and for fear that British troops would have to fight and the British public pay for the Indian wars that would probably follow. Despite everything the American Department and the Board of Trade could do, the policy of containment was overthrown at the Privy Council by a dissident group within the cabinet. The Council's decision was reached, not through superior knowledge of American affairs, or greater insight, but as the result of a piece of political in-fighting. Hillsborough resigned, and Lord North himself had to be dissuaded by the King from doing the same.<sup>2</sup>

Beneath the Privy Council there was no unitary Colonial Office such as ran the British empire in the nineteenth and twentieth centuries. Instead, most of the major departments of

<sup>1</sup> Leonard W. Labaree, *Royal Government in America* (New Haven, 1930), chapter x.

<sup>2</sup> Hillsborough's case against western expansion and against this sale in particular is expounded in *D.A.R.*, ii, 153-6, and v, 78-9. For the influence of the Bedford group, see Charles R. Ritcheson, *British Politics and the American Revolution* (Norman, Oklahoma, 1954), p. 146. The Treasury appears to have favoured the sale, though North did not. On 4 January 1770, when Grafton was still First Lord, the Treasury agreed to a price for the Lands, subject to the transaction being approved by other departments (*D.A.R.*, i, No. 28i). When the resultant grant came under consideration in 1773, the names of such Treasury stalwarts as John Robinson, Grey Cooper, and Thomas Bradshaw appeared among the beneficiaries, but not Pownall and Knox, the under-secretaries of the American Department (*D.A.R.*, vi, 142).

state had acquired or been saddled with responsibility for particular aspects of colonial government as an extension of their routine domestic business. As well as the Secretary of State and the Board of Trade, the Treasury and under it the Commissioners of Customs, the Admiralty, Board of Ordnance, and Post Office, had executive officers of their own planted in America with whom they corresponded. Thus, instead of a single robust chain of command stretching from a Colonial Secretary in Whitehall to the governor of each royal colony, and through him to the subordinate officials, there were several fragile skeins of command linking departments in London to their own more or less independent representatives in America.

It is necessary to insist on this fragmentation of responsibility because, although the absence of a unitary Colonial Office is well-recognized, the priority that has always been given to publishing the colonial records of the Secretary of State and the Board of Trade, and the neglect accorded to those of other offices of government, particularly the Treasury, can convey an incomplete impression.<sup>1</sup> Taking the colonial period as a whole, this priority is correct. The Secretary of State (for the Southern Department to 1768, for the American Department thereafter) and the Board of Trade conducted the greater part of the routine business of the colonies—appointments to office, revision of colonial laws, and so on—and for a good many years in the eighteenth century little more than routine business was transacted. When emergencies arose they were chiefly of a diplomatic or military kind, falling comfortably within the area of responsibility of a Secretary of State who also looked after Britain's relations with France and Spain, and through whom the King's commands for the movement of troops had to pass.

To the end of the Seven Years War, then, in so far as it is proper to think of Britain having an American policy, that policy was chiefly administered by the Secretary of State and the Board of Trade. This system reached its apogee in the Secretaryship of Pitt and the Presidency of Halifax. But the grip of these departments on the empire was not nearly as strong as it looked. With the resignation of Halifax from the Board of Trade in 1761, the body that had collected most of the information on which British civil policy was formed and supplied the continuum of

<sup>1</sup> For a note on the records of the Secretary of State and the Board of Trade (collectively known as the Colonial Office records), see *D.A.R.*, i, 11–12. Although individual Treasury documents have found their way into print, no series has yet been published.

colonial administration went into a swift decline; with the end of the war and the eviction of the French from Canada, the Secretary of State's concern with America was for the time being relaxed; and with the emergence of finance, hence taxation, as the ruling consideration in Anglo-American relations, the major initiative in policy-making passed into the hands of the Treasury. It was from the Treasury that all the controversial measures affecting America originated between 1764 and 1767: the Sugar Act, the Stamp Act, the Townshend Duties, and the erection of the American Board of Customs.<sup>1</sup> It was George Grenville, as First Lord, who lifted the Treasury into this predominance in 1763, the year in which the Treasury marked its growing interest in the colonies by opening a new series of records known as the 'America Books'.<sup>2</sup> It was Charles Townshend, from the office of Chancellor of the Exchequer, who after Grenville's fall and during Chatham's incapacity took the lead in American business and spirited his duties through the House of Commons. The Secretary of State and the Board of Trade continued to perform their routine duties; but their role in the great events of these years, and the role of their principal representatives in America, the governors of royal colonies, was little more than picking up the pieces of broken Treasury policies and trying to restore order.

Dora Mae Clark, the historian of the Treasury's interventions in America in the 1760s, has written that '... the Treasury, more than any other branch of the British Government, was responsible for the loss of the American colonies'.<sup>3</sup> There is certainly no difficulty in agreeing that the reserves of American suspicion of British motives, on which the revolutionary leaders could draw in the 1770s, were accumulated during the period of Treasury influence. To see this influence as continuous down to the beginning of the war would, however, be to exaggerate the consistency of British administrative practice. For several years after 1767 the Treasury had no new policies to put forward in America, and it is to this abstinence that the postponement of a final confrontation can, bureaucratically speaking, be attributed. A landmark in the rescue of American affairs from the Treasury's hands was the institution in 1768 of the third Secretaryship of State, with special responsibility for the colonies, and the appointment of the Earl of Hillsborough to the new post.

<sup>1</sup> Dora Mae Clark, *The Rise of the British Treasury* (New Haven, 1960).

<sup>2</sup> P.R.O., T. 28/1.

<sup>3</sup> Clark, *Rise of British Treasury*, p. 1.

This innovation did not spell the arrival at last of a unitary Colonial Office with overall responsibility for everything that happened in America; but it was a step in that direction. There was now a minister in the Cabinet whose whole duty lay in the colonial field. Though the new Secretary was not the equal in esteem of the 'ancient' Secretaries, he exercised the power of conveying the King's commands for the movement of fleets and armies to, from, and in the colonies.<sup>1</sup> He thus inherited the task of corresponding with, and to a large extent of controlling, the commander-in-chief in North America. It was this power which made the American Secretary a considerable force from 1768 to 1775, and which enabled Lord George Germain to make his the office from which the War of Independence was fought. With the installation of an American Secretary, there was less likelihood of initiative in colonial matters being grabbed by an ambitious politician like Townshend.

The new arrangement did not of course exclude the Treasury from American affairs: it continued to control the Customs service and the civil establishments of those colonies that were still supported by the British taxpayer. The difference was that it was not now making new enemies; and this left the American Department free to conduct a holding operation in the colonies, which it did, after a bad start with Hillsborough's circular letter of 1768, with a certain amount of success. Crises occurred in Anglo-American relations from 1768 to 1773 but they occurred in administrative territory clearly belonging to the American Department: the harassment of British troops sent to keep order in Massachusetts in 1768, the expulsion of the two British regiments after the Boston Massacre in 1770, and the boarding and burning by Rhode Islanders of H.M. sloop *Gaspee* in 1772. British official reactions to these acts of provocation (as they seemed from Whitehall) were cautious, perhaps disappointingly so to American militants. It was possible to believe in 1771 that the worst times in Anglo-American relations were over.<sup>2</sup>

The Treasury returned to the charge in 1773 with the Tea Act, a device to bail the East India Company out of financial difficulties by enabling it to sell tea, taxed but cheap, to the Americans.<sup>3</sup> This was an operation in which the American

<sup>1</sup> Margaret M. Spector, *The American Department of the British Government, 1768-82* (New York, 1940), p. 68.

<sup>2</sup> Evidence for improvement summarized in *D.A.R.*, iii, 1-3.

<sup>3</sup> Max Farrand, 'The Taxing of Tea', in *American Historical Review*, iii (1897-8), 266.

Department had no hand, and of which its representatives in America were given little notice. Just as the Treasury had left the governors of colonies in the dark in 1765 about what they were meant to do in support of the Stamp Act, so the governors were conspicuously under-briefed on the subject of tea.<sup>1</sup> No official warning went to them from the American Department and no orders to support the East India Company's consignees. The first mention of tea in the American Department's records came, not from Whitehall, but from the colonies in November 1773 when consignments were approaching American ports. Neither Governor Tryon at New York nor Governor Hutchinson at Boston properly understood how the Act was meant to work, and Deputy Governor Penn, excusing his failure to report the repulse of the tea at Philadelphia, claimed to have regarded the East India Company's consignment 'as a private adventure of their own in which the government had no immediate concern'.<sup>2</sup>

From the destruction of the tea at Boston to the skirmish on Lexington Green, Britain's American problem ceased to be one of taxation and became one of trying to restore the reputation of the imperial government; it therefore returned to the American Department. Although it was Lord North who had to pilot the Coercive Acts through the House of Commons, there are reasons for attributing the Boston Port Act to John Pownall, under-secretary at the American Department.<sup>3</sup> It was certainly Dartmouth's office that had the main responsibility for enforcing the Acts. Once again the American Department had to deal with the consequences of Treasury intervention; this time it failed. Thus to the end of the colonial period the initiative in Britain's administration of America moved back and forth between these offices according to whether finance or the keeping of order was the issue of the moment.

No other British department of state had either the incentive or the authority to take the initiative in colonial affairs, but each enjoyed as a matter of course a large measure of independence. The Admiralty in particular had the reputation of running its own business in the colonies. Whereas the Secretary of State corresponded with the commander-in-chief of British land forces in America, and indeed derived much of his authority from so

<sup>1</sup> Clark, *Rise of British Treasury*, p. 160.

<sup>2</sup> *D.A.R.*, vi, 238, 241; Penn to Dartmouth, 3 May 1774, C.O. 5/1285, fo. 34.

<sup>3</sup> Franklin B. Wickwire, *British Subministers and Colonial America, 1763-83* (Princeton, 1966), 146-7.

doing, he did not conduct a similar correspondence with the commanders of naval squadrons. He received the King's orders for the movement of warships but he conveyed them only as far as the Board of Admiralty, which interpreted them to its own subordinates in the colonies. Thus, while Britain's most powerful representative in America was firmly under the American Department's control, the second most powerful was not.

This divided responsibility for the colonies was not good administrative practice at the centre, let alone in the colonies. The power to make decisions, and the information necessary for making those decisions, too easily became separated from one another. Broadly speaking it was at the American Department and the Board of Trade that information was most plentifully available; it was these offices which received the regular complaints of royal governors of their lack of authority and the strength of opposition. The staff of the American Department, soaked in warnings of this kind, could not but be aware that unless and until structural reforms took place the Treasury's initiatives were incitements to violence which could bring Britain little but contempt. As Governor Bernard wrote: 'to send hither Ordinances for Execution which the People have publicly protested against as illegal and not binding upon them, without first providing a power to enforce Obedience, is tempting them to revolt.'<sup>1</sup>

This fragmentation, not the more obvious bureaucratic vices of lethargy and corruption, was the besetting weakness of British administration at the centre. There is little evidence of the shortcomings associated with, for example, Spanish imperial government. Communications with the British colonies, speeded by a service of sixteen packet-boats, were good; letters were answered, nearly always promptly. Admittedly, there were matters that remained under consideration for years, shifting between the Secretary's office, the Board of Trade, and the Privy Council; but they were problems, like the conflicting claims of New York and New Hampshire to the lands west of Connecticut River, which were insoluble within the limits of British power in America. Before dismissing the central colonial administration as hopelessly inept, it should be recalled that this same administration performed the task, never before attempted by a European government, of maintaining an army

<sup>1</sup> Quoted by Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis* (Chapel Hill, N.C., 1953), p. 170.



of 50,000 men in America, for which not only every gun, every bullet, and every shred of clothing, but for long periods every mouthful of food, had to be assembled in the British Isles, conveyed across the Atlantic in small and unreliable sailing ships, and delivered to troops dispersed in an extensive country. By the standards of the *ancien régime*, this was a distinguished achievement; unfortunately for the British, it took a war to concentrate their minds on the colonies and make their fragmented system work with something like unity of purpose.

## II

Britain's imperial position in North America was sustained by common interests and by sentiment, not by a bureaucracy of full-time paid officials appointed by the Crown. The Treasury's representatives in the colonies were more numerous than those of any other British department, but there were fewer than a hundred permanent Customs officers for the whole of North America.<sup>1</sup> In each royal colony there was a handful of officers working under the American Department, though none in the four proprietary colonies. The entire corps, including representatives of the minor departments, was just sufficient for the purpose of conveying to the Americans what it was the British expected them to do, but hopelessly inadequate for enforcement against even minority opposition.

Given unity of direction and purpose, Britain's representatives in America might have done better than they did. But the fragmentation of colonial administration observed at the centre was reflected and heightened in the colonies where British officials represented, not a seamless web of Crown authority, but the departments in England which happened to employ them. As in London, the most obvious breach was between the governors, chiefly responsible to the Secretary of State, and the Customs officers, wholly at the direction of the Treasury. This division was almost as old as the colonies themselves, starting no later than the Restoration when the Treasury first began to acquire statutory responsibilities in the colonies. In 1675 Governor Berkeley of Virginia suspended Giles Bland from the office of Collector of Customs; Bland joined Bacon's rebellion, and was

<sup>1</sup> Thomas C. Barrow, *Trade and Empire, the British Customs Service in Colonial America, 1660-1775* (Cambridge, Mass., 1967), p. 72, gives a figure of fifty-eight for 1760, to which should be added twenty-five Comptrollers appointed in 1764-6 (p. 186) and the Commissioners of Customs.

caught and hanged.<sup>1</sup> In 1693 on Boston's quayside Sir William Phips, governor of Massachusetts, with fifty followers, laid violent hands on the Collector of Customs for New England, and threatened to break every bone in his body.<sup>2</sup> Disputes of this order, less violent but no less damaging to the service, continued throughout the colonial period. Thus the quarrel in the 1760s between Governor Bernard of Massachusetts and John Temple, Surveyor-General of Customs, assumed such proportions as to win for the latter the unique distinction of being an American Customs officer who was at the same time a favourite of the Boston patriots.<sup>3</sup> Governor Carleton of Quebec likewise fell out with the Collector of Customs in his province. 'It is a misfortune', he complained to the Treasury, 'attending the King's service in this part of the world that the inferior officers of government, proud of the superior weight and influence of the Boards from whence their commissions issue, and relying for protection upon their correspondents on the spot, almost lose every idea of that subordination so essential to good order.'<sup>4</sup>

Such conflicts were often exacerbated by clashing personalities, but first and foremost they were disputes about power and reputation. The interventions of the Treasury in American affairs and the extension of its patronage in the colonies, for example by the appointment of twenty-five new Comptrollers of Customs between 1764 and 1766, could not fail to affect the standing of royal governors, if only by creating alternative locations of interest and influence. The extensive authority once possessed by governors over trade and the enforcement of the Acts of Trade had been whittled away both by the elected assemblies of America and by the Treasury at home, which naturally preferred to work through agents whose whole allegiance it commanded. One reason stated by the Treasury for creating the American Board of Customs in 1767 was lack of confidence in the 'uncertain Aid of Governors'.<sup>5</sup> Before the end of the colonial period, as Governor Wentworth of New Hampshire complained in 1771, governors had lost their power over the entry and clearance of shipping, though still obliged on

<sup>1</sup> Barrow, *Trade and Empire*, pp. 21-3.

<sup>2</sup> *Calendar of State Papers, America and West Indies, 1693-6* (London, H.M.S.O., 1903), No. 689i.

<sup>3</sup> Barrow, *Trade and Empire*, pp. 195-6.

<sup>4</sup> Carleton to Robinson, 12 January 1775, C.O. 42/34, fo. 87. Compare *D.A.R.*, ii, 130-3.

<sup>5</sup> Barrow, *Trade and Empire*, pp. 219-20.

assuming office to make oath to enforce the Acts of Trade and given elaborate instructions for that purpose. 'This decay of the governors' power in matters of trade' was acknowledged by Hillsborough but nothing was done to remedy it.<sup>1</sup>

It was not in trade alone that the power of the governors was decaying. The form in which colonial government was originally cast assumed each royal colony to be separate from the rest, headed by a governor responsible to superior authority in Britain, but independent of supervision in America. This form endured for a long time, and with it the reputation of the governors as the King's leading representatives; but nearly every reform attempted after 1750 was towards centralizing authority in America, with a corresponding diminution of the standing of the governors. The first such reform was the institution at the beginning of the Seven Years War of two superintendencies of Indian affairs, one for the northern district under Sir William Johnson and one for the southern district held from 1762 to 1779 by John Stuart.<sup>2</sup> Stuart summarized the circumstances of the creation of his office as follows:

before the appointment of superintendents, which in the southern district was I think in the year 1756, the governor of South Carolina with propriety took the lead in the management of the neighbouring Indian tribes. I say with propriety, because before that time Georgia under the Trustees was of no consequence and East and West Florida belonged to the Crowns of Spain and France; but upon Georgia and the two Floridas becoming separate governments and the removal of the French and Spaniards beyond the Mississippi, the management of the Indian tribes became an object worthy of the attention of administration and the sole management of the Indians could no longer remain in the governor of South Carolina, for the three new provinces of Georgia, East and West Florida, are by their situation equally if not more intimately connected with them, and the respective governors thought themselves equally entitled to interfere, from which a clashing and competition must have arisen unfavourable to the proper management of the Indians and which might have proved fatal to the infant colonies, had not superintendents been appointed whose jurisdictions were to extend throughout the nations in their respective districts without being particularly connected with any province.<sup>3</sup>

This is a clear exposition of pressure created by colonial expansion

<sup>1</sup> *D.A.R.*, iii, 191.

<sup>2</sup> Jack M. Sosin, *Whitehall and the Wilderness* (Lincoln, Nebraska, 1961), discusses the creation of these offices.

<sup>3</sup> Stuart to Clinton, 15 March 1776, C.O. 5/77, fo. 107.

forcing change in an ancient pattern of provincial administration. British imperial policy, however, was not radical enough to settle decisively for either the old or the new. Stuart went on to explain how the superintendents had failed to obtain Parliamentary establishment in 1764 and how the confusing division of responsibility between superintendents and governors had come about in 1768. Under this settlement the governors retained responsibility for Indian trade, subject to any law their legislatures could be induced to pass, while the superintendents' duties consisted of 'negotiating for land and establishing boundaries, renewing ancient treaties or covenants, and managing all the concerns of the Indians unconnected with trade or the particular local concerns of any province'.

The compromise of 1768 was held to be unsatisfactory by both Stuart and Johnson; but it was no more satisfactory to the provincial governors.<sup>1</sup> The loss of power to negotiate for new cessions must have diminished their standing in colonies where Indian land was as important as Indian trade. Divided responsibility worked badly. Stuart fell out with the governors of Virginia, Georgia, East Florida, and West Florida, and the Indian service suffered both in peace and war. Stuart's personal failings made matters worse: he was, as one governor put it, 'very jealous that anybody else should have anything to say or do with the Indians, which is quite a farce'.<sup>2</sup> But the root trouble was an arrangement whereby the governor's authority was impaired without the superintendent's being firmly established in its place.

A similar division of responsibility, equally ill-defined, existed between governors of colonies and the commander-in-chief of British land forces in America. When the British decided, at the end of the Seven Years War, to keep troops permanently in America and to put a commander-in-chief over them, they did not intend to create a viceroy or governor-general. General Gage, as the governor of New York pointed out in 1775, was 'not commander-in-chief of America, but only of His Majesty's land forces in America'.<sup>3</sup> Hence his authority should extend over his troops but no further. All the same, there were alarming features in the new arrangement. The royal warrant of 17 December 1760 placed the commander-in-chief first in North America, taking precedence over royal governors even in their

<sup>1</sup> *D.A.R.*, v, 61, 114-15, 214.

<sup>2</sup> Tonyn to Clinton, 8 June 1776, C.O. 5/556, fo. 340.

<sup>3</sup> Tryon to Dartmouth, 29 March 1775, C.O. 5/1106, fo. 74.

own colonies. Gage, Governor Tryon claimed, conceived 'that the words which give him precedency on all occasions extend to both the civil and military line, whereas all the civil governors I have had intercourse with, particularly the late Lord Botetourt, were convinced it could be understood to extend to military occasions only'. Tryon composed and delivered to the Secretary of State a short set of what he called 'animadversions' on the natural rights of civil governors to precedency, in which he asserted that 'the governor is the first officer of the state, the general is only the first officer of the army'.<sup>1</sup>

Thomas Pownall was another governor to complain of the powers given to the commander-in-chief. In successive editions of his book, *The Administration of the Colonies*, he argued in favour of the unification of the empire, applauding, for example, the office of superintendent of Indian affairs, with which as governor of Massachusetts he had had little to do. But he was utterly opposed to the office of commander-in-chief: 'If ever the colonies revolt, and set up an empire in America, here begins the history of it.'<sup>2</sup> Pownall's objections were gratefully received by the Americans as arguments against putative tyranny; but his case was built as much on regret at the weakening of the power of the governors as on fear of despotic government. 'If there be, in time of peace, in the civil governors, and other officers of the crown, the least subordination to this military commander in chief,' he wrote, 'it will be found a dangerous thing to have given so much of civil power out of the King's hands, and to have done so little to maintain those, into whose hands it is entrusted.'<sup>3</sup>

This 'subordination' occurred between 1763 and 1775. Mr. John Shy has carefully examined the evidence of conflict between civil and military officers and has concluded that 'No American Commander in Chief ever lost a battle with a royal governor . . .'<sup>4</sup> The course of one such battle, in Massachusetts, suggests that no other outcome could have been expected. In 1770, after the Boston Massacre, the British regiments withdrawn from the town were encamped at Castle William, a fortress belonging to the province of Massachusetts, garrisoned by troops raised and paid by the General Court, and furnished

<sup>1</sup> C.O. 5/1106, fo. 75d. Royal warrant of 17 December 1760 is summarized in Labaree, *Royal Government*, p. 109, n. 33.

<sup>2</sup> Thomas Pownall, *The Administration of the American Colonies*, 4th edn. (London, 1768), p. 94.

<sup>3</sup> *Ibid.*, 1st edn. (London, 1764), pp. 64-5.

<sup>4</sup> John Shy, *Towards Lexington* (Princeton, 1965), p. 422.

with provincial arms and ammunition; by the colony's charter it and all other forts were under the governor's orders. General Gage, the commander-in-chief, required the eviction of the provincial troops and the placing of his own officer in command. Governor Hutchinson resisted as long and as discreetly as he could, proposing that the British officer should be given a Massachusetts commission as a device to preserve constitutional forms; but he resisted in vain. The King ordered the castle to be handed over to the regulars, and the provincial troops were evicted.<sup>1</sup> Radical American opinion construed this outcome as a subversion of civil authority by military, but the authority principally subverted was that of the Crown's governor.

Mr. Shy has made the interesting suggestion that, as well as weakening the governors, the institution of the office of commander-in-chief made them 'more aggressive' from the confidence that 'there was, if worst came to worst, an available reservoir of emergency power'.<sup>2</sup> It is hard to find evidence of this aggression in the closing years of British administration and even harder to see why governors should have regarded troops as other than temporary palliatives of a worsening political situation, difficult to come by, outside their control, and uncertain of effect. In most of the royal colonies there were no troops at all. After 1768 there were none in the south save the frontier garrisons of St. Augustine and Pensacola, too remote to be useful in an emergency at Charleston, let alone in Virginia, too remote according to Governor Wright to be of use even in Georgia.<sup>3</sup> Where troops were available, there was uncertainty how they could or should be used. What has been called 'military rule' in Boston from 1768 to 1770 proved the small value of soldiers in support of civil government in a colony where opposition was extensive and well-organized. The troops may have given a little protection to the persons and homes of the Crown officers but, in Gage's words 'It has indeed been proved that they were of no other use in the town of Boston, for the people were as lawless and licentious after the troops arrived as they were before.'<sup>4</sup> With the benefit of this experience, the American Department from the Boston Massacre to the passing of the Coercive Acts was

<sup>1</sup> Gage to Dalrymple, 2 September 1770, printed by Randolph G. Adams, 'New Light on the Boston Massacre', in *Proceedings of the American Antiquarian Society*, n.s., vol. xlvii (1937), 330; *D.A.R.*, ii, 135, 184, iii, 30-1, 105.

<sup>2</sup> Shy, *Towards Lexington*, p. 422.

<sup>3</sup> *D.A.R.*, ii, 296.

<sup>4</sup> *D.A.R.*, ii, 73.

extremely circumspect in contemplating the use of the army to support civil government. Gage was ordered to have soldiers ready in 1773 to march into Rhode Island in the event of force being offered to the commissioners of inquiry into the burning of the *Gaspee*, though none in fact had to be sent.<sup>1</sup> And in January 1774, before he heard of the Boston Tea Party, Dartmouth authorized Haldimand, the acting commander-in-chief, to use troops on proper requisition to defend the East India Company's property.<sup>2</sup> These seem to be the only occasions when the use of force was contemplated in this period. One instance that reveals aggression on the part of a governor also reveals restraint on the part of the American Department. Tryon in New York proposed a military solution in 1772 to the disorders created by the Green Mountain Boys of Bennington; he was told by the Secretary of State that troops were inappropriate for a dispute of this kind. He requisitioned troops again in 1773, but was again denied by Haldimand. It was not an episode to encourage governors to believe that force was theirs to command.<sup>3</sup>

Dartmouth's attitude towards the use of troops was stated at the beginning of 1774:

... the firmness and activity of the civil power are the only circumstances from which the subject can expect or derive protection in the exercise of his lawful commerce.

It is upon these efforts that the preservation of the public peace must depend, and the aid of the military except in cases of actual rebellious insurrection cannot be brought forward but upon the requisition of the civil magistrate and for his support in cases of absolute necessity when every other effort has failed.<sup>4</sup>

The difficulty about applying this formula lay not only in defining 'actual rebellious insurrection' but in operating the requisition of the civil magistrate. In Massachusetts Governor Hutchinson consistently followed the principle here laid down by Dartmouth. 'How came you to fire without orders from a civil magistrate?' were his first words to Captain Preston minutes after the Boston Massacre.<sup>5</sup> Far from rushing troops into action at slight provocation, Hutchinson did not deem himself competent, as governor, to use them to stop a riot. Referring to the

<sup>1</sup> *D.A.R.*, iv, No. 619.

<sup>2</sup> *D.A.R.*, vii, No. 13.

<sup>3</sup> *D.A.R.*, iv, Nos. 809, 1460i-iii, 1527, vi, 229.

<sup>4</sup> Dartmouth to Hutchinson, 8 January 1774, C.O. 5/763, fo. 5.

<sup>5</sup> Hiller B. Zobel, *The Boston Massacre* (New York, 1970), p. 203.

soldiers in Boston and the disorders they had failed to quell, he wrote: 'I considered they never had been used for that purpose and there was no probability they ever would be, because no civil magistrate could be found under whose directions they might act . . .'<sup>1</sup> Later in 1770, one magistrate, one in all Massachusetts, was found to make the necessary requisition, but without the governor's interposition this was held by the military commander to be insufficient.<sup>2</sup> Hutchinson's view was that only 'actual rebellious insurrections' could justify him in calling out the troops; mere riots, even the Boston Tea Party, were not enough. Thus his explanation for not summoning the regiment at Castle William to Boston in December 1773 was once again that 'I have not one magistrate in the province who would venture upon such a measure.' Force was available to stop the Tea Party, naval as well as military. Reporting the event to the Admiralty, Rear-Admiral Montagu wrote:

during the whole of this transaction neither the governor, magistrates, owners, or the revenue officers of this place ever called for my assistance; if they had, I could easily have prevented the execution of this plan, but must have endangered the lives of many innocent people by fring upon the town.<sup>3</sup>

Hutchinson was criticized by Burke for not bringing the troops into action on the occasion of the Tea Party.<sup>4</sup> The governor was wrong to question his own authority, at least according to the British law officers who ruled in 1774 that a 'governor by his commission is conservator of the peace in all cases whatsoever'.<sup>5</sup> But the mistake reflects not only Hutchinson's strong constitutional sense and his preference 'to remain behind the curtain', but also a genuine and unresolved confusion about the peace-keeping role of troops in a British community. Not every royal governor passed through the ordeal of Thomas Hutchinson; but most of them revealed in their correspondence more of anxiety

<sup>1</sup> *D.A.R.*, ii, 60.

<sup>2</sup> Dalrymple to Gage, 12 August 1770, in Adams, 'New Light on the Boston Massacre', pp. 322-3.

<sup>3</sup> Hutchinson to Dartmouth, 21 March 1774, C.O. 5/763, fo. 152; Montagu to Stephens, 17 December 1773, C.O. 5/120, fo. 27d. Compare Leslie, commander of the regiment at Castle William, to Barrington, 17 December 1773, C.O. 5/167, fo. 98: 'I am informed the Council would not agree to the troops going to the town; however, it must end in that. Lenity won't do now with the people here.'

<sup>4</sup> *Parliamentary History of England*, xvii, 1184.

<sup>5</sup> Dartmouth to Gage, 3 June 1774. C.O. 5/763, fo. 176.



than of aggression, more a sense of desolation than a sense of authority.<sup>1</sup>

The direction of this argument is to emphasize the feebleness of British civil authority in America and the shortcomings of the military as a reinforcement for civil power. Britain's options in the eighteenth century were to create new continental institutions with clearly defined powers over all the colonies, or on the other hand to perpetuate provincial government and strengthen the authority of the governors. The first was conceived but never properly executed. The second, apart from a belated attempt to give the governors salaries out of Crown revenues, was scarcely tried; on the contrary the authority of the governors, and with it their standing in America, was lowered to a point of danger. 'In that country, Sir,' Governor Johnstone told the House of Commons in 1774, 'the governor is nothing more than a mere cypher; he has no support in any proposition he makes, no places to give away, and yet you blame him for not keeping up his authority.'<sup>2</sup> Tryon in New York, Martin in North Carolina, and Dunmore in Virginia, were three who shared Johnstone's complaint of the difficulty of ruling without patronage.<sup>3</sup> A governor of Virginia, according to Dunmore, 'has not the disposal of one single place of consequence in the government'.

[Were he to possess even the patronage exercised by the colony's secretary, it] would greatly forward the execution of his duty in all the services entrusted to his management; for not only the persons so preferred, who it is natural to suppose would be devoted to the power under which they act, but the principal gentlemen, in expectation of offices which they think good provision for their younger sons, would be induced to use all honest means of supporting the measures of a governor whom they have favours to solicit from, but whose impotency to serve them at present makes them entirely indifferent about.<sup>4</sup>

In effect the governors were being asked to run a British system of government without the thing that made that system work in Britain. Want of patronage was the fatal flaw in their position; no troops could make up for that.

<sup>1</sup> Bernard Bailyn's *The Ordeal of Thomas Hutchinson* (Cambridge, Mass., 1974) puts the subject in a new light. No other royal governor in the 1770's displayed Hutchinson's sensitivity or concern for America, but it is possible to be sorry for Josiah Martin of North Carolina.

<sup>2</sup> *Parliamentary History of England*, xvii, 1188.

<sup>3</sup> *D.A.R.*, iv, No. 1230, v, 140-1.

<sup>4</sup> *D.A.R.*, v, 95. Compare pp. 221-2.

When the final crisis came in 1774–5 there was not one rebellion to deal with but a rebellion in every royal colony. The less than half-built structure of centralized authority proved worthless in the emergency. Even the commandship-in-chief was nullified by the extraordinary British decision to make General Gage governor of Massachusetts while continuing to hold his military appointment. All available troops were drawn to Boston, and every other royal governor was left to fend for himself. The American revolutions did not begin with the violent destruction of existing institutions, or even in most colonies with the arrest of the principals of the old regime: the closest parallel to the storming of the Bastille was the toppling of George III's equestrian statue in New York, which did not fall until after the Declaration of Independence. Threats were enough; scarcely a life was lost. Quickly and purposefully the revolutionaries brought alternative governments into being—the system of provincial congresses and committees—and left the King's administration as an empty shell to crack in its own time. One by one the governors duly cracked. Without military aid, unable to form parties of their own, they fled: Dunmore from Virginia in June 1775, Martin from North Carolina in July, Wentworth from New Hampshire in August, Campbell from South Carolina in September, Tryon from New York in October, and Wright from Georgia in February 1776. Of eight royal governors in the revolting colonies, one (Gage) stayed in his province because he was also commander-in-chief and had the army at his back; and one (William Franklin, son of Benjamin) remained at his post in New Jersey until arrested by the Americans in June 1776. It is not a creditable record; but having regard to the governors' isolation and to the mortification induced by responsibility without power, it is not a surprising one either.

### III

'Imbecility' was the word used in the American Department to describe the condition of the government of Massachusetts, a word with no necessary connotation of weakness of mind but signifying incapacity to perform an assigned task.<sup>1</sup> Incapacity in varying degrees was present in most of the royal governments, though nowhere as emphatically as in Massachusetts. The puzzle set by the American Department's records is how to

<sup>1</sup> For example, Dartmouth to Hutchinson, 8 January 1774, C.O. 5/763, fo. 5.

reconcile this imbecility with the grievances of revolutionary leaders who everywhere heard the rattle of chains preparing to enslave them.

Part of the answer to the problem is that the British officials were not quite as powerless as they sometimes made themselves out to be. If they found it impossible to govern America, they retained enough power to stop anyone else from doing so. In most colonies they summoned assemblies when they chose; and they could end a session by prorogation or dissolution with no septennial convention to restrain them. They could call assemblies to inconvenient or unaccustomed places, as Hutchinson called the General Court of Massachusetts to Cambridge and Lord Charles Montagu called the Assembly of South Carolina to Beaufort.<sup>1</sup> They could and frequently did refuse assent to bills passed by both Houses, a thing the King had not done in England for more than sixty years.<sup>2</sup> What they missed, the American Department and the Board of Trade could be expected to catch. To the end of the colonial period every law passed in the royal colonies was scrutinized; not a few were disallowed, and it probably annoyed the Americans little less to be told that disallowance was for bad drafting or ignorance of elementary legal principles than to know that their laws were in conflict with Acts of Parliament or the prerogative. All these powers were of a negative kind, as was the American Department's habit of refusing to do business with a colonial agent appointed without the governor's consent. Thus, while the British administration lacked the force to make the colonists do what they did not choose to do, it could irritate, provoke, and obstruct. As an effect of these negative powers, the direction in which American politics were moving in the years before the Revolution was towards deadlock: achieved in Massachusetts in the late 1760s, if not earlier, achieved in South Carolina in 1770, and well on the way towards achievement in North Carolina by 1772.

These irritants, added together, are not quite enough to make the grievances of the radicals recognizable. The American Department itself, aware that American protests were loudest at the point where British power was weakest, had no doubt of the answer to the puzzle. It was the answer of many British people at the time, of American loyalists who took the British

<sup>1</sup> Hutchinson did so reluctantly and under orders, *D.A.R.*, ii, 50; Montagu did so on his own initiative to dish the opposition, *D.A.R.*, v, 194.

<sup>2</sup> For example, Governor Martin rejected seventeen bills at one sitting, *D.A.R.*, vi, 102.

side in the war that followed, and of a number of liberal American historians of recent years. There were no grievances to fight for. The radicals were a minority of troublemakers—‘a few desperate men’, Hillsborough called them in 1770—who manufactured one complaint after another, exaggerating minor issues in the press they controlled, and suppressing newspapers like the *Boston Chronicle* which printed any construction but their own.<sup>1</sup> What the Americans objected to was not oppression but the acknowledgement of a British sovereignty that was now little more than theoretical. Dartmouth, who said it would be the happiest event of his life if he could bring Britain and America together, laid down these apparently simple requirements:

That in every society there must be somewhere a supreme uncontrollable power, an absolute authority to decide and determine; that wherever such power is found there is of necessity independent sovereignty; that legal subjection to legal government is essential to legal freedom; and that the welfare and happiness of all depend upon the punctual and regular discharge of the duties of each, are principles that no man in his senses can or will deny, which must at one time or other make their way into the minds of men and oblige them to acknowledge that the public peace and prosperity of a state as well as the happiness of individuals can only arise from a strict and exact observance (on both sides) of that line of law and justice which divides the authority of the ruling power on the one hand from the rights of those who owe obedience to it on the other.<sup>2</sup>

This was the voice of aristocratic moderation. Britain in the 1760s had sought, rashly and clumsily, to tax America without possessing the means of coercion. The attempt having failed, and having been seen by nearly everyone to have failed, the contest with the colonists lost in the 1770s what Lord Barrington called ‘the foundation of interest’ and became a contest ‘about the point of honour only; which point, however, can in certain situations be as little yielded to our Colonies, as to our neighbours’. What Barrington lamented was that the conduct of the Americans put it out of the power of a British ministry to make concessions without loss of honour, for ‘much might have been ceded to their duty and obedience which must be refused to their insolence and resistance’.<sup>3</sup> Dartmouth and Barrington were not alone in requiring Americans to pull their forelocks; it was

<sup>1</sup> Arthur M. Schlesinger, *Prelude to Independence* (New York, 1958), p. 108.

<sup>2</sup> *D.A.R.*, v, 239.

<sup>3</sup> Edward Channing and Archibald C. Coolidge, eds., *The Barrington-Bernard Correspondence* (Cambridge, Mass., 1912), p. xi.

the prevailing view of the House of Commons in the debates of 1774 on the Coercive Acts. To make this construction stick, it is necessary to believe that the American leaders had never seriously wanted a settlement of differences. Crossing the Atlantic for the last time in 1775, General Gage looked back on events and discerned the conspiracy: 'People agree now that, there has been a Scheme for a Revolt from the Mother Country long concerted between those who have most Influence in the American Councils, who have been preparing the People's Minds by Degrees, for Events that at first view they regarded with Horror and Detestation. If the Boston Port Bill had not furnished a Pretence for a Rebellion something else would have brought it forth.'<sup>1</sup> Special emphasis, in this construction, rests on the skill with which the Americans controlled the press, denying Britain a proper hearing. This was the decisive factor according to Governor Franklin:

Had this matter been more attended to, there would not have been so many well-meaning men in both countries so greatly mistaken as to suppose what was truly a contest for sovereignty to be a struggle for rights and privileges; for though many of the common people who took up arms did really believe that their liberty was endangered, yet their leaders knew better and that they could at any time have every matter of consequence settled without bloodshed, had they not industriously endeavoured to widen the breach at the time they were professing an earnest desire to heal it.<sup>2</sup>

Alongside this theory of American conspiracy lies the theory of British conspiracy. The Americans protested and eventually rebelled, not against fetters that had already been clamped into place but against fetters being cast for them on the other side of the ocean; not against what the American Department, or even the Treasury, had shown themselves capable of doing but against what a scheming ministry and corrupt Parliament were conspiring to do. To urge Britain's weakness in America, the imbecility of the colonial governments, and the failure of British troops against civilian opposition, is no better argument than excusing a burglar on the ground that he carried a broken jemmy; next time he may do better. After their dismal performance in the 1760s the British had no right to expect American trust in their intentions, and no way of winning such trust short of sackcloth and ashes. The blackest examples of British tyranny

<sup>1</sup> Gage to Dartmouth, 15 October 1775, in Clarence E. Carter, ed., *The Correspondence of General Thomas Gage* (New Haven, 1931), i, 421-2.

<sup>2</sup> Franklin to Germain, 12 November 1778, C.O. 5/993, fo. 128.

could be confidently located in the future; at the heart of the American case lay the by no means far-fetched conviction that, whatever had already happened, there was conspiracy afoot to bring worse to pass.<sup>1</sup>

Wherever the study of the American Revolution begins, it is apt to lead to the point where two theories of conspiracy collide with one another. It is the necessary attribute of a conspiracy theory, as it is of a philosophy of history, to be susceptible neither of proof nor of disproof by the kind of evidence historians are wont to use; so this must be the point where the historian bows out.

<sup>1</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1967), pp. 144 et seq., 'A Note on Conspiracy.'