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SOURCES & DOCUMENTS

illustrating the

AMERICAN

REVOLUTION

1764-1788

and the formation of the

FEDERAL CONSTITUTION

美国历史

SECOND EDITION

Selected and edited by

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PREFACE

THE plan of this book is to include (a) all the absolutely essential documents, such as the Declaration of Independence and the Federal Constitution, (b) the more important acts, resolves, state constitutions, royal instructions, &c., not easily obtainable elsewhere, (c) samples of the more human varieties of source material, such as debates, letters, pamphlets, Indian relations, and frontier petitions, which illustrate and often influenced public opinion. A large part of the book is devoted to the six years after the war, when the Revolution was logically completed by the Federal Constitution. Military and diplomatic subjects have been excluded, because it is the Revolution rather than the War of Independence that we are trying to elucidate; and certain economic aspects of the Revolution have been excluded because they are adequately dealt with in Professor Callender's *Selections from the Economic History of the United States*.¹

Professors Alvord of the University of Minnesota, Becker of Cornell, Coupland and Egerton of Oxford, Merk and McIlwain of Harvard, and Van Tyne of Michigan have given the editor valuable suggestions which he gratefully acknowledges.

The documents are reproduced from the manuscript, or, in the case of those already printed, from the best available edition, without change in spelling. Conformity to modern use of capitals and italics has, however, been attempted. Authors' foot-notes are indicated by asterisks or daggers: the editor's, by numbers.

The Introduction is not a history of the Revolution, but a guide to the documents. Somewhat fuller treatment than this principle would permit has been given to the Western problem, which has received scant notice in the books that undergraduates are likely to read. Of such books the following are recommended:

Carl Becker's *The Beginnings of the American People* (Boston:

¹ Ginn and Co., 1909. Other sources that should be read in connexion with this book are the Parliamentary debates on American affairs in Hansard, especially Burke's speeches; W. Knox, *Controversy Reviewed* (London, 1769); T. Paine, *Common Sense* (1776); the Constitution of Massachusetts (1780); and the *Federalist* (1788).

Houghton, Mifflin, 1915), a sound and brilliant essay on the colonial and revolutionary period. H. E. Egerton's *Causes and Character of the American Revolution* (Oxford: Clarendon Press, 1923, 207 pp.); by an English scholar who has a thorough knowledge of similar issues in the later British Empire.

E. Channing's *History of the United States*, vol. iii, 1761-89 (Macmillan, 1912, 585 pp.), is the best single volume covering the whole of the Revolutionary period, by the greatest living authority on American history.

C. H. Van Tyne's *Causes of the War of Independence* (Houghton, Mifflin, and Constable, 1922, 499 pp.) presents the results of important research during the last decade.

Sir G. O. Trevelyan's *American Revolution*, 6 vols. (Longmans, 1917), is the final edition of a work first published in many parts and titles. Its literary quality is pre-eminent; its point of view is vigorously Whig.

In this revised edition no change has been made in the choice of documents; but a number of misprints have been corrected, and an index has been added. I should also like to recommend Charles H. McIlwain's *American Revolution* (Macmillan, 1923), a most stimulating essay on the constitutional aspect; *The Correspondence of George III* (5 vols., Macmillan, 1927-8), which with the pithy introductions of the editor, Sir John Fortescue, well presents the Tory point of view; Vernon L. Parrington's *The Colonial Mind* (Harcourt, Brace & Co., 1927); and volume i of C. A. and M. R. Beard's *Rise of American Civilization* (Macmillan, 1927), both brilliant works of interpretation, and A. F. Pollard's racy comment on the Revolution in his *Factors in American History* (Cambridge Univ. Press, 1925).

S. E. M.

HARVARD COLLEGE,

1 October 1928.

INTRODUCTION

I. *The Taxation Question, 1764-70.*

THE roots of the American Revolution go far down into the past. Geography and climate, institutional developments, religion and race, and other factors beyond our ken, may have made the separation inevitable. Only the immediate causes, however, can be studied in these documents. Since 1688 the colonies had been pushing toward a larger measure of self-government, as indeed the dominions have done in the last century. Then came an attempt to check this evolution ; to create new institutional bonds between the colonies and Great Britain, and to strengthen such as existed. It was a part of the struggle between centralization and localism which runs through all modern history ; and not the least interesting phase were the attempted solutions through federalism—unsuccessful in 1774-5, successful on a smaller scale in 1787-8. The American Revolution belongs not only to America ; it is an important part of the great liberal movement of the eighteenth century, a portent of dominion home rule, and a laboratory of imperial and federal problems.

In 1760, when the Seven Years' War closed in North America, the English colonists were fairly satisfied with the existing rough compromise between home rule and imperial control. Although irritated with certain aspects of the old colonial system, they were content that Parliament should control imperial commerce, so long as it permitted them to prosper ; and they had no criticism of a foreign policy which had brought glorious results. No separatist movement existed. In England, however, there was serious dissatisfaction with this rough compromise. It was commonly believed that the

colonies had not done their proper share in the war (below, p. 21).¹ The colonists not only denied this, but asserted that they were pulling more than their own weight in imperial taxation (pp. 28-9, 33), and that the fruits of victory were imperial rather than local (pp. 7, 49-50).² It would be even more difficult to-day to strike a just mean between these opposing views, than to decide 'who won the war' of 1914-18, or to settle debts and reparations. There was, and is, no agreed basis for the proper contribution of colonies to an imperial war; and it depended entirely on future events whether England or the Thirteen Colonies would get the most out of Canada and the Floridas.

As early as 1762 the Newcastle ministry decided to retain in the colonies a garrison of 10,000 men (several times larger than the pre-war garrisons), and to tax the colonists for its support. The Grenville ministry had to find ways and means. The Revenue Act of 1764³ was the first important step in a new colonial policy. This law had a double purpose, to provide revenue, and to tighten the mercantile system by strengthening the Acts of Trade and Navigation.

Since the seventeenth century the colonists had not objected to the mercantile system as such. Scattered through the documents in this book are frequent admissions, as late as 1775, that Parliament was the proper body to regulate the trade of the entire empire. Nor is it true that the prohibition of direct trade with continental Europe had been complained

¹ This is argued in G. L. Beer, *British Colonial Policy, 1754-65*, and E. I. McCormac, *Colonial Opposition* (Berkeley, Calif., 1911), by adopting *a priori* standards of what the colonies should have done; but they have at least shown that some did very much more than others, and that several had almost to be bribed to defend themselves.

² Franklin's letter of 7 January 1766 on the Stamp Act (in all editions of his writings) is a typical expression. Note quotation from Governor Bernard's letters in Burke, *Speeches on American Affairs* (Everyman ed.), 33. Channing (*United States*, iii. 33) prints a table of outstanding colonial war debts in 1766.

³ 4 Geo. III, c. 15. Also called the Grenville Act, Sugar Act, &c. See marginal references in the Instructions of 1769, printed below.

of, or systematically evaded. The older laws had, however, left certain loopholes for free trade, which were now closed. The Molasses Act of 1733, imposing a prohibitory duty on molasses entering the English colonies from the foreign West Indies, had never been enforced; and one of the principal objections to the Revenue Act was its imposition of a lower but still onerous duty on such molasses.¹ 'The Act of Navigation is a good Act, so are all that exclude foreign manufactures from the plantations, and every honest man will readily subscribe to them,' wrote James Otis.² 'Right as to Europe: but for God's sake, must we have no trade with other colonies?'

As yet few persons had cared to look into the constitutional relationship between colonies and mother country. It would have been better for imperial unity had none but humorists done so. But the Revenue Act taught colonial lawyers that 'broadening down from precedent to precedent' might be disastrous. 'One single Act of Parliament', wrote James Otis, 'has set people a-thinking, in six months, more than they had done in their whole lives before.' His pamphlet, *The Rights of the British Colonies*, is the first of numerous attempts by colonial publicists, following each forward move of the British Government from 1764 to 1774, to formulate a static theory of the colonial status. The short extracts here printed (pp. 4-9) will show his interesting presentation of the 'law of nature' theory—the law above Parliament—which provided both a justification for the American Revolution and a basis for the State and Federal Constitutions.³

The preamble of the Revenue Act (p. 39) announcing that the new duties were levied for revenue purposes, was the point

¹ Seedocuments printed in Callender, *Selections from Economic History*, chapter iii, and pp. 122-35; and G. L. Beer, *op. cit.*, chapter xiii.

² *Rights of the British Colonies* (1764), 55. Cf. Burke, *op. cit.*, 24.

³ For the historical background to this theory, see C. H. McIlwain, *The High Court of Parliament* (Yale Univ. Press, 1910), and C. Becker, *Declaration of Independence* (New York: Harcourt, Brace, 1922).

on which colonial lawyers concentrated, for they saw in it the thin end of a wedge of 'taxation without representation'. *Principiis obsta* was the cry (p. 6). This thin-end-of-the-wedge argument we find running through the whole pre-revolutionary controversy. It is a fair question whether potential rather than actual oppression did not produce the ferment in America.

On 22 March 1765, before colonial opinion had been fairly mobilized against the Revenue Act, Parliament passed the Stamp Act.¹ This law extended to the colonies, where social conditions made stamp duties particularly onerous,² a system long prevalent in England. Stamp duties, in sterling, were required on all legal documents, on newspapers, pamphlets, and almanacs, playing cards and dice.

The wedge was entering fast, but it was now taking the form of direct internal taxation, against which it was easy to concentrate. The issue was no longer complicated with trade regulation, as in the Revenue Act; and it touched the pride or interest of all classes in every colony, save Nova Scotia, which showed an abnormal docility. Virginia led off with Henry's speech (of which ascending versions have been given, to show how tradition is made), and defined the issue in the Resolves of 30 May (pp. 14-18). The Stamp Act Congress in New York, the first intercolonial meeting summoned by local initiative, adopted a more reasoned and moderate set of resolves than Henry's (p. 32). 'No taxation without representation' was the cry. But were the colonies not 'virtually' represented in Parliament? Had a colonial government any higher status than an English corporation? Would a grant of direct representation solve the difficulty? Daniel Dulany's and Soame Jenyns's pamphlets (pp. 18-32) are good examples of the arguments used on both sides of the water: in the

¹ 5 Geo. III, c. 12. Digest in Macdonald, *Documentary Source Book*, 122.

² See quotations from William Sumner in Callender, *op. cit.*, 137.

periodical press, the clubs, county courts, market places, and wherever men gathered together.¹

Colonial opinion was united against the Stamp Act as on no issue before or since. Royal officials were powerless to enforce it, and the new Rockingham ministry had it repealed. At the same time the Declaratory Act of 1766² was passed, declaring that King and Parliament 'have full power and authority to make laws and statutes of sufficient force and validity to bind the colonies . . . in all cases whatsoever'. This was barely noticed in the colonies, and the Revenue Act was forgotten; the repeal of the Stamp Act seemed completely satisfactory.

A new period of agitation began in 1767, with the passage of the Townshend Acts.³ Parliament returned to the policy tentatively begun in 1764, that of raising a revenue through customs duties. To this end the colonial customs service was completely reorganized by the creation of a special American Board of Commissioners of the Customs, resident at Boston, and directly responsible to the Treasury; and by the establishment of new vice-admiralty courts. New duties—the 'Townshend duties'—were levied on certain British manufactures, and on tea, when entering the colonies. The moneys thus raised in the colonies, instead of going to support the garrison, were to be used to create a colonial civil list (p. 51), and thus render the royal governors and judges independent of the assemblies.

In the Instructions issued by the new American Commissioners of the Customs to their subordinates (pp. 74-83),⁴ we can find exactly what acts and regulations regarding colonial trade, navigation, and manufactures were in force in 1769. The newer regulations (p. 81, note) were probably necessary to prevent the systematic smuggling that had sprung up since

¹ See Channing, iii, chapter iii, and M. C. Tyler, *Literary History of the Revolution*, i, chapters iii-v, for the more important pamphlets.

² 6 Geo. III, c. 12: almost a word-for-word copy of the Irish Declaratory Act of 1719, 6 Geo. I, c. 5.

³ 7 Geo. III, c. 41, 46, 56; 8 Geo. III, c. 22.

⁴ Channing, iii, chapter iv, should be read with this document.

1764. These regulations, in view of the problems of the present Federal Government with illicit trade, were remarkably successful; but they bore with excessive severity on the merchants and shipowners of the northern colonies, where trade was already slack, and the silver required for the new duties, hard to come by.¹ The Instructions, however, do not mention the Iron Act of 1750, the Currency Act of 1764, nor the fact that Parliament had practically abolished drawbacks on foreign goods re-exported to the colonies, and levied export duties on English textiles.² On the other hand, Parliament aided the readjustment of American commerce by removing the English import duties on colonial corn and whale fins, and granting bounties on colonial flax, hemp, and timber.³

To oppose the Townshend Acts, a new formulation of the colonial relationship was necessary—Daniel Dulany had admitted too much. John Dickinson, a country gentleman who had read law at the Temple, and practised it in Philadelphia, filled the need with his *Farmer's Letters* (pp. 34–54). Their influence was great, for they caught the contradictory spirit of the period: loyalty to King and Empire, but growing American unity; dislike of mob violence, but determination to pay no tax levied by Parliament, in whatever form.

William Knox wrote the most effective reply to the 'Pennsylvania Farmer'.⁴

The agitation that followed was marked by less violence than the period of the Stamp Act, except in Boston. Domestic manufactures were encouraged, and merchants combined with

¹ See Callender, 63–8, 140; Becker, *Political Parties in New York*, chapter iii; *Publications Colonial Society of Mass.*, xix. 181–91. Cf. Burke, *Speeches on American Affairs*, 29.

² G. L. Beer, *op. cit.*, 179–88, 282; 23 Geo. II, c. 29; 4 Geo. III, c. 34; 6 Geo. III, c. 52.

³ 4 Geo. III, c. 26, 29; 5 Geo. III, c. 45; 6 Geo. III, c. 3; 7 Geo. III, c. 4. The old naval stores and indigo bounties remained, somewhat reduced in amount. 3 Geo. III, c. 25.

⁴ *The Controversy Reviewed* (London, 1769); reprinted in *Old South Leaflets*, No. 210.

politicians in an agreement not to import the taxed articles from England.¹ Although little enforced in certain places, this 'non-importation agreement' caused English exports to the colonies to fall off almost one-half by 1769. In 1770 the North ministry, concluding that colonial duties on English manufactures were preposterous, repealed all the Townshend duties except that on tea; but all other duties and the commissioners of the customs remained. Radical leaders wished to continue the boycott, but the merchants were sick of it, and refused to do so. Colonial trade promptly adjusted itself to the new regulations; prosperity returned; and by the end of 1770 there was apparently a complete reconciliation between England and the colonies—except in Boston.

II. *The Western Problem, 1763-88.*²

The Western problem, the problem of the unsettled parts of the North American continent, with their aboriginal inhabitants and white invaders, is as old as European colonization in America. It may be likened to a rope of many strands, now twisted in a regular pattern, but more often tangled with each other and with strands from other ropes, or tortured into

¹ A. M. Schlesinger, *Colonial Merchants and the American Revolution* (New York: Longmans; London: P. S. King, 1918).

² Five works of great value and interest deal with the Western problem in whole or in part. F. J. Turner, *Frontier in American History* (New York: Henry Holt, 1921), is a collection of Professor Turner's essays, which have established the frontier as the central force in American history. The first essay, at least, should be read by every student of American history. For the facts in this Introduction I am chiefly indebted to C. W. Alvord, *The Mississippi Valley in British Politics* (2 vols., Cleveland: A. H. Clark, 1917); the well-presented results of deep research on the efforts of the British Government to solve the Western problem. Theodore Roosevelt, *The Winning of the West* (6 vols., Putnam's, 1889, and many later editions), is a picturesque and fairly accurate history mainly of the combative aspects of the Westward movement from 1760 to 1807. Francis Parkman, *The Conspiracy of Pontiac* (2 vols., Boston, 1851, and many later editions), is classic. These two works have a quality that no subsequent work can have; they were written by men of keen observation and historical imagination, who had actually lived with Indians and frontiersmen.

Gordian knots which only war could sever. Of these strands we may distinguish :

(a) The International problem : whether the North American West would be won by France, Spain, the British Empire, or the United States, or be partitioned among them. The Peace of 1763 was an important stage in this problem, eliminating France from the contest (save as a diplomatic factor), and dividing the West, by the Mississippi river, between the British and the Spanish empires. Her new acquisitions brought Britain face to face with other aspects of the Western problem, which are closely interwoven.¹

(b) The problem of Indian *v.* Backwoodsman. Should the Indian hunting grounds be reserved for them in the interest of humanity and the fur trade ; or should the advance of the white frontier be favoured at the Indians' expense ? And how were the Indians, or the frontiersmen, to be protected in their rights ? This is really the great Western problem which met the English-speaking colonists at Jamestown and Plymouth rock. Given the conditions of American society, the problem could hardly have been solved otherwise than by gradually eliminating the Indians. As Roosevelt says, the sole alternative was to keep that ' vast continent as a game preserve for squalid savages '. That was the real reason why the new British policy of 1763, illustrated in our documents, was doomed to failure, apart from the conditions of British politics ; and why the later efforts of the United States Government failed, in the long run, to protect the aborigines.

Frederic L. Paxson, *History of the American Frontier, 1763-1893* (Boston : Houghton, Mifflin Co., 1924), is an excellent compendium of the whole movement in all its aspects.

¹ The same applies to Spain, which acquired the trans-Mississippi West from France. But Spain was an old hand at the Western problem. What Spain did to meet her new responsibilities is outside the scope of this book, though by no means outside the scope of the history of the United States, which later reaped the harvest of Spain's Western policies. The reader is referred, in the first instance, to H. E. Bolton, *The Spanish Borderlands* (' Chronicles of America ', v. 23), and to A. P. Whitaker, *The Spanish-American Frontier: 1783-95* (Houghton, Mifflin Co., 1927).

With the different conditions that obtained in Canada—a strong government, a powerful fur-trading interest, a small white population, and autocratic traditions—the Indians might have been exterminated in a more kindly fashion, and the whites less brutalized in the process.

(c) The fur trade was a problem in itself. Should it be regulated, and if so by what authority, imperial, federal, or local; or should the Indians be left to the mercy of the traders?

(d) The public land problem. How should land acquired from the Indians be disposed of, and by what authority?

(e) The political problem. What degree of self-government should be allowed to the new settlements, and what should be their relationship to the older colonies, the Empire, and (after 1775) to the United States? We may subdivide this problem into distinct strands for most of the Thirteen Colonies and States: the internal problem of adjustment between an old-settled, aristocratic, and creditor seaboard, and a new-settled, democratic, and debtor interior. This sectional issue flared into armed conflict in the Carolinas before the Revolution, and in New England after it; combined with the public land problem it has permanently influenced the history of the United States.

In the years 1763-5 these diverse strands of the Western problem were mixed with the general colonial problem, and until 1775 with English politics; after 1775 they enter into the web of American development.

In 1754, when the Seven Years' War was imminent, the British Government endeavoured to induce the Thirteen Colonies to form a union for the purpose of defence, and directing Indian relations. These had been dangerously mismanaged by individual colonies. This effort came to naught through colonial particularism.¹ But the British Government,

¹ G. L. Beer, *British Colonial Policy, 1754-65*, chapter ii. The text of the Albany Plan of Union may be found in William Macdonald, *Select Charters*, 253.

as a war measure, placed Indian political relations within the competence of its commander-in-chief in America, General Braddock. That ill-starred soldier laid the foundations for an imperial western policy, in 1756, by appointing two highly capable colonists, Sir William Johnson, and later, John Stuart, as Superintendents of the northern and southern Indians.

This good beginning was largely undone by the tactlessness of General Amherst, who cut off the usual presents to the north-western Indians after victory seemed secure, by the trickery of private traders, and the aggressiveness of frontiersmen. In May 1763 came a serious Indian uprising under Pontiac. Colonel Bouquet's expedition broke the back of the rebellion that summer, but the Algonkian tribes between the Great Lakes and the Ohio river were not fairly pacified before 1766.

Pontiac's rebellion proved that something must be done about the Western problem. And in the meantime the ministry had decided to retain Canada and the Floridas instead of Guadeloupe and Havana.

The Royal Proclamation of 7 October 1763 (p. 1) was the announcement of a provisional Western policy, in order to placate the Indians. Even the boundaries of the three new provinces, Canada and the Floridas, were determined with a view to keeping settlers and Indians apart. The line of demarcation, as Mr. Alvord has proved, was not intended as a permanent barrier to Westward expansion. The colonists, apparently, understood this.¹ It was not until some years had elapsed, and the Proclamation had been deliberately distorted by the Grafton ministry into a permanent barrier (p. 70), that it helped to inflame colonial sentiment against the Government.

¹ In the 'Declaration' preceding the 'Remonstrance' (p. 9) of the Pennsylvania frontiersmen, on their colony's handling of the Pontiac rebellion, they state that 'the standing of the frontier settlements depended, under God, on the almost despaired of success of His Majesty's little army, whose valour the whole frontiers acknowledge with gratitude'—whilst no mention is made of the Proclamation of 1763.

The principles of the Proclamation of 1763 were developed, through correspondence between the Lords of Trade and the Indian Superintendents, into a detailed plan for the complete control of Indian relations and white settlement, which was submitted to the Crown on 10 July 1764.¹ This Plan of 1764 recommended a well-organized Indian service under the two Indian Superintendents, fixed tariffs for trade, licences and regulations for traders, and the repeal of all conflicting colonial laws. It suggested that only the Crown—not the colonial authorities—be permitted to acquire land from the Indians. As the enforcement of this plan was expected to cost £20,000 annually, it was not formally adopted.

The failure and repeal of the Stamp Act meant the adjournment of any real effort to solve the Western problem, which at this point diverges from those of colonial relations and taxation. The Rockingham ministry let it lie, and the Chatham-Grafton ministry adopted no definite Western policy until 1768.

In the meantime, the two able Indian Superintendents, Johnson and Stuart, were enforcing the Plan of 1764 so far as their limited funds permitted. They licensed traders, issued regulations, and began to build up an efficient Indian service. They mediated peace between warring tribes, and with Pontiac's followers. They established an almost continuous line of demarcation, considerably to the west of the line of 1763, between the Indians' hunting grounds and lands open to white settlement.² This was done by a series of 'talks' or conferences between Indian chiefs, the Superintendents, and colonial governors. The minutes of an important 'talk' are here printed (p. 54) as a sample of Indian diplomacy. A later conference the same year resulted in the Treaty of Fort

¹ Printed in Alvord and Carter, *The Critical Period* (Illinois Historical Collections, x), 273-81; Shortt and Doughty, 433. See Comments on the Plan in pp. 62-8 below, *American Historical Review*, xx. 815-31, and *English Historical Review*, xxxiii. 37-56.

² See map of this line in *American Historical Review*, x. 785.