

INTERNAL MEMORANDUM / FOR INTERNAL USE ONLY

The Citizen-Soldier

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The Citizen-Soldier

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In medieval times it was a matter of law that common folk must purchase at their own expense and keep ready in their homes some basic weapons to serve and protect their king and state. The rulers expected the peasants to have acquired certain skills with their weapons prior to deployment, although they failed to provide any sort of funding for training. The English *Assize of Arms* (1181), promulgated by Henry II, required that each man keep at his own expense in his home a weapon appropriate to his rank and position.¹ The American use of militia was, in reality, a return to traditional practices of this earlier age. In medieval Europe the law defined a militia as "the whole body of freemen" between the ages of fifteen and forty years, who were required by law to keep weapons in defense of their nation.² In the later Middle Ages the militia was the whole body of "citizens, burgesses, free tenants, villeins [serfs] and others from 15 to 60 years of age" who were obliged by the law to be armed.³

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Trained Bands (or Trainbands) are found primarily in Elizabethan and Stuart England. The concept and term may be found as early as the reign of Alfred the Great (849-899). "For greater security, certain men in or near each settlement or City, who volunteered or were selected otherwise, were given, or agreed to procure, arms in advance of any emergency."⁴ These men became the mainstay of Cromwell's army during the Puritan Revolution and these units developed from the broader militia. The term is occasionally encountered referring to select militia in the American colonies, especially in New England.

26

Most European nations had abandoned the militia system by the

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27 sixteenth century.⁵ Americans chided the English for abandoning the
28 militia system which had worked so well here. The militia, alone, had
29 served as a check on the native aborigine in the colonial period of
30 American history. For instances, when General Braddock was defeated
31 near Pittsburgh, then Fort DuQuesne, the Virginia militia under Colonel
32 George Washington's command stood against the French and Indians.
33 The British army fled to the eastern seaboard. During the colonial period
34 Americans came to trust the militia to a far greater extent than they
35 trusted the regular royal army. The fancy uniforms and European battle
36 formations may have served the British well in wars in the old world, but
37 they were ill suited for backwoods America.

38 America's colonial citizen-soldier citizens soldier had their counterparts
39 throughout history, as in ancient and medieval times when the peasants
40 were conscripted to fight as foot soldiers. After the wars were over the
41 peasants, too, returned to their fields. Tradesmen, farmers, men in all
42 walks and vocations of life, had one thing in common: they stood as
43 brothers in arms against the enemy as part of the citizen-soldiery.

44 The citizen-soldier stands in marked contrast to the professional soldier
45 whose vocation is war. The citizen-soldier does not enter war for pay or
46 booty. He goes to war only reluctantly, spurred on by notions of
47 patriotism, nationalism and duty. He deplores war. He fights only as a
48 last recourse when his nation is threatened and not in imperialistic
49 adventures. There is no human institution any where more fundamental
50 than the militia. As we shall show in this and the ensuing four volumes,
51 excepting only religious dissenters, the true, traditional citizens owned
52 firearms, less as a privilege than as a matter of duty. They came to
53 equate firearms ownership with freedom. A free man is armed; a slave
54 is dispossessed of his arms. No man can trust a government that seeks
55 to disarm him. Those who claim the right to bear arms over and against
56 tyrannical government stand arm in arm with his ancestors who refused
57 to give up their arms at Lexington, Concord, and on a thousand other
58 locations.

59 A recent article concluded that the Second Amendment to the Constitu-
60 tion was adopted "as a declaration that the Federal Government can never
61 fully nationalize all the military forces of this nation" because the masses
62 of men with their own guns constitute "an essentially civilian-manned and
63 oriented set of military forces" who can "inveigh against federal

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64 professionalization of the state militia."⁶ The Preamble to the Declaration
65 of Independence listed as two grievances against King George III that
66 "[h]e has kept among us, in times of peace, standing armies without the
67 consent of our legislatures [and]. . . [h]e has affected to render the
68 military independent of and superior to the Civil power."⁷

69 Reverend Samuel McClintock (1732-1804) was commissioned to deliver
70 a sermon on 3 June 1784, the occasion being the adoption of the newly
71 adopted New Hampshire state constitution. He had served as a militia
72 chaplain in both the French and Indian War and the American Revolution,
73 and was thus well acquainted with the concept, organization and purpose
74 of a militia system. His comments on that portion of the new basic
75 document of the New Hampshire state government read like a passionate
76 and patriotic definition of militia. "An army of freemen, voluntarily
77 assembling at the alarm of danger -- men who had been nurtured in the
78 bosom of liberty, and unused to slavish restraints . . . willing to submit to
79 the severity of military government, for the safety of their country, and
80 patiently endure hardships that would have overcome the fortitude of
81 veterans, following their illustrious leader in the depths of winter, through
82 the cold and snow, in nakedness and perils, when every step they took
83 was marked with the blood that issued from their swollen feet, and when
84 they could not be animated to such patience and perseverance by any
85 mercenary motives"⁸

86 A recent author⁹ distinguished among army, trained bands and the
87 various types of militia. An **army** is any armed land force that is
88 organized and controlled by a clear chain of command. A **militia** which
89 derived from the Latin *miles* and the old English and French *milice*
90 indicated "the obligation of every able bodied Englishman to defend his
91 country." It implies the obligation that all citizens and perhaps resident
92 aliens have to serve in the armed forces of their nation. In the American
93 colonies the transition was made from English common law to the law of
94 the colonies. The federal Constitution made certain that any national
95 obligation did not preclude service to the state which was primary and
96 original. Initially the *enrolled militia* (or organized militia) included those
97 select or specially trained militia enlisted by the colonies or states. Early
98 select and enrolled militia were occasionally called *Trained Bands*. The
99 *minutemen* of New England were select or enrolled militia.

100 Theoretically, a *naval militia* may be authorized by letters of marque
101 and reprisal. During the Revolution a few states, notably Pennsylvania,

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102 had state navies manned by militia. President Thomas Jefferson toyed
103 with the idea of protecting our shores with large row boats armed with
104 smaller cannon and manned by militia. In 1889 Massachusetts created a
105 naval militia as a counterpart to the regular, land-based state militia, and
106 a very few other states followed.

107 *Partisans* are intended to supplement the regular army and even the
108 militia, carrying out such duties as security, reconnaissance, intelligence
109 gathering, scouting, and transportation. Partisans generally operate in
110 wartime, especially when a nation is occupied by hostile forces. They may
111 disrupt a wide variety of enemy activities, including transportation and
112 communications. Partisans may or may not be officially authorized. The
113 Norwegian Home Guard, for example, operated as an authorized partisan
114 band during the nazi occupation and the reign of the collaborationist
115 government of Vikung Quisling. The government, before leaving for exile
116 in England ordered it to prevent or delay enemy transport of men and
117 supplies by operations behind the enemy lines. The guard was instructed
118 to attack enemy transport and supply convoys and offer armed resistance
119 in occupied territories. The Norwegian Home Guard is a part of the
120 regular army and is always prepared to perform its functions any time the
121 nation is invaded. As a legal entity it would function best in occupied
122 areas, but before the nation had surrendered. Theoretically, the Home
123 Guard could be disarmed as a part of a surrender, for surrender ordinarily
124 implies the end of hostilities with, and disarmament of, all armed forces
125 of a nation.¹⁰

126 Most partisan operations may be termed *guerrilla*. Because guerrilla
127 or partisan forces are not subject to formal government controls, they
128 differ substantially from home guards.¹¹ Another term that applies to "the
129 military organization of the entire nation" is *levees en masse*. This force
130 "must be recruited from men . . . women, children and the aged." It
131 stands quite a part from the regular army, and even the militia. Its
132 combattants commonly have no uniforms or military discipline or training.
133 These men fight only in their home areas, along ill-defined battle lines.
134 *Levees en masse* may stage an uprising of all the people, or of a
135 significant portion thereof. Usually, it is called forth by a general call to
136 resist the enemy, rather than a muster call; or it may simply issue forth
137 spontaneously. It never fights abroad. Its weapons are whatever is

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138 available from among the people. While it most frequently occurs
139 immediately after the local area is attacked, the term might apply to a
140 popular uprising that occurs after an area is occupied.¹²

141 The United States Supreme Court discussed the meaning of the militia
142 in a 1939 decision which was based on traditional views expressed in state
143 court decisions. "The significance attributed to the term Militia
144 appears from the debates in the Constitutional Convention, the history and
145 legislation of Colonies and States, and the writings of approved
146 commentators. These show plainly enough that the Militia comprised all
147 males physically capable of acting in concert for the common defense. "A
148 body of citizens enrolled for military discipline." And further, that
149 ordinarily when called for service these men were expected bearing arms
150 supplied by themselves and of the kind in common use at the time. . . .
151 In all the colonies, as in England, the militia system was based on the
152 principle of the assize of arms. This implied the general obligation of all
153 adult males inhabitants to possess arms, and, with certain exceptions, to
154 cooperate in the work of defense. The possession of arms also implied the
155 possession of ammunition, and the authorities paid quite as much
156 attention to the latter as to the former."¹³

157 The sentimental role of the citizen-soldier is found in the parallel to the
158 Roman Cincinnatus who left his plow in the field to answer his country's
159 call.¹⁴ The Supreme Court in one of the very few rulings rendered on the
160 right to keep and bear arms, looked at the historical context in which
161 forces consisting of citizen-soldiers had developed. "It is undoubtedly true
162 that all citizens capable of bearing arms constitute the reserved military
163 force or reserve militia of the United States as well as of the States; and,
164 in view of this prerogative of the general government, as well as of its
165 general powers, the States cannot, even laying the constitutional provision
166 in question out of view, prohibit the people from keeping and bearing
167 arms, so as to deprive the United States of their rightful resource from
168 maintaining the public security, and disable the people from performing
169 their duty to the general government."¹⁵

170 Most of the political writers of the colonial and federal periods were

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171 intimately familiar with the liberal political writings of the Enlightenment.
172 One of the most writers who exercised great influence on the development
173 of the American mind was James Harrington (1611-1677), the philosopher
174 of property rights and economic determinism. Harrington called the
175 militia, "the vast body of citizens in arms, both elders and youth."¹⁶
176 Harrington also noted that the militia consisted of "Men accustomed to
177 their arms and their liberties."¹⁷ Commenting on Harrington's thought, Sir
178 Henry Vance the Younger wrote that the militia comprised those who
179 "have deserved to be trusted with the keeping or bearing Their own Armes
180 in publick defense."¹⁸

181 A more contemporary writer was the first great economic philosopher,
182 Adam Smith (1723-1790), author of the influential treatise, *The Wealth*
183 *of Nations*, published in 1776. Smith defined the term militia as, "either
184 all the citizens of military age, or a certain number of them, to join in
185 some measure the trade of a soldier to whatever other trade or profession
186 they may happen to carry on. If this is found to be the policy of a nation,
187 its military force is then said to consist of a militia."¹⁹

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188 A French contemporary of Smith's, Hilliard d'Auberteuil, observed that
189 "a well regulated militia [is] drawn from the body of the people." It is
190 "accustomed to arms" and "is the proper, natural and sure defense of a
191 free state." He cautioned his readers that a standing army, on the other
192 hand, was destructive of liberty.²⁰ French military theorist Comte de
193 Guibert expressed little admiration for militiamen who were not well
194 disciplined. Having witnessed American militiamen in action, he described
195 the citizen-soldier as "real barbarian" who is terrible when angered, he
196 will carry flame and fire to the enemy. He will terrify, with his vengeance,
197 any people who may be tempted to trouble his repose. And let no one call
198 barbarous these reprisals based on laws of nature [although] they may be
199 violations of so-called laws of war. . . . He arises, leaves his fireside, he
200 will perish, in the end, if necessary; but he will obtain satisfaction, he will
201 avenge himself, he will assure himself, by the magnificence of this
202 vengeance, of his future tranquility.²¹

203 Sir James A. H. Murray in his *New English Dictionary of Historical*
204 *Principles*, defined the militia as, "a military force, especially the body of
205 soldiers in the service of the sovereign of the state, [who are] the whole
206 body of men amenable to military service, without enlistment, whether
207 drilled or not A citizen army as distinguished from a body of

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208 mercenaries or professional soldiers."²²

209 Simeon Howard (1733-1804), writing in Boston in 1773, said that a
210 militia was "the power of defense in the body of the people . . . [that is],
211 a well-regulated and well-disciplined militia. This is placing the sword in
212 hands that will not be likely to betray their trust, and who will have the
213 strongest motives to act their part well, in defence of their country."²³

214 Justice Story in his *Commentaries* defended the militia system. He
215 wrote, "The militia is the natural defense of a free country against sudden
216 foreign invasions, domestic usurpation of power by rulers. It is against
217 sound policy for a free people to keep up large military establishments and
218 standing armies in time of peace, both from the enormous expense with
219 which they afford ambitious and unprincipled rulers to subvert the
220 government, or trammel upon the rights of the people. The rights of the
221 citizens to keep and bear arms has justly been considered as the
222 palladium of the liberties of a republic; since it offers a strong moral check
223 against the usurpation and arbitrary powers of rulers; and will generally,
224 even if these are successful in the first instance, enable the people to
225 resist and triumph over them."²⁴

226 Benjamin Franklin defined the militia as a voluntary association of
227 extra-governmental armed troops acting under their own authority.
228 Franklin wrote that a militia is a "voluntary Assembling of great Bodies of
229 armed Men, from different Parts of the Province, on occasional Alarm,
230 whether true or false, . . . without Call or Authority from the Government,
231 and without due Order and Direction among themselves . . . which cannot
232 be done where compulsive Means are used to force Men into Military
233 Service. . . ." ²⁵

234 Chief Justice Earl Warren wrote concerning the minutemen of
235 Massachusetts, Among the grievous wrongs of which [the Americans]

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236 complained in the Declaration of Independence were that the King had
237 subordinated the civil power to the military, that he had quartered troops
238 among them in times of peace, and that through his mercenaries, he had
239 committed other cruelties. Our War of the Revolution was, in good
240 measure, fought as a protest against standing armies. Moreover, it was
241 fought largely with a civilian army, the militia, and its great Commander-
242 in-Chief was a civilian at heart. . . . [Fears of despotism] were uppermost
243 in the minds of the Founding Fathers when they drafted the Constitution.
244 Distrust of a standing army was expressed by many. Recognition of the
245 danger from Indians and foreign nations caused them to authorize a
246 national armed force begrudgingly.²⁶

247 Award winning historian and former Librarian of Congress Daniel
248 Boorstin noted, Everywhere, Americans relied on an armed citizenry rather
249 than a professional army. The failure to distinguish between the "military
250 man" and every other man was simply another example of the dissolving
251 of the monopolies and distinctions of European life In a country
252 inhabited by "Minute Men" why keep a standing army? . . . The fear of a
253 standing army which, by European hypotheses was the instrument of
254 tyrants and the enslaver of peoples, reenforced opposition to a
255 professional body of men in arms.²⁷

256 While the English Parliament and His Majesty's government argued that
257 the colonials ought to bear some part of the cost of the wars with the
258 French and Indians, the colonists disagreed. The colonial legislatures had
259 appropriated money to pay their militias. The British troops were useless
260 in the woods. They had been effective against the French armies in
261 Canada, but that was of little concern to the colonials. Let the English
262 bear the cost of their wars with France. After all, the wars here were only
263 an extension of the greater wars in Europe.

264 Since the colonists' wars were generally brought on by England's
265 massive conflicts on the Continent the home country could rarely spare
266 many of its professional soldiers to defend the colonies against the French.

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267 In peacetime royal troops were more numerous, but they were unpopular.
268 They enforced the hated smuggling laws and, later, Britain's policy against
269 westward expansion for the colonies. Such "tyranny," and the memory of
270 the uses to which Cromwell and the Stuarts had put standing armies,
271 seemed to validate the truisms of classical political philosophy: that an
272 armed populace provides all the security necessary against either foreign
273 invasion or domestic tyranny, while a professional army allows rulers to
274 oppress their unarmed subjects.²⁸

275 After the Revolution began, the British decided that victory would
276 prevent any future armed conflict with the colonists over the payment of
277 taxes or for any other cause. The British government had planned to
278 disarm the Americans completely, had they won the war of the American
279 Revolution. In 1777 the British cabinet, confident of impending victory,
280 intended to abolish the militia. The cabinet had planned that, "The Militia
281 Laws should be repealed and none suffered to be re-enacted and the Arms
282 of All the People should be taken away nor should any Foundry or
283 Manufactory of Arms, Gunpowder or Warlike Stores, be ever suffered in
284 America, nor should any Gunpowder, Lead, Arms or Ordnance be imported
285 into it without Licence."²⁹

286 In the late seventeenth century the militiamen, coming from the towns
287 and cities of New England, proved sadly deficient in the firearms skills and
288 discipline necessary to contain even the ragged, ill-clothed and underfed
289 braves of King Philip's army. The southern militia was all but nonexistent.
290 Only in the middle colonies of Pennsylvania, Maryland, and Virginia, and,
291 to a slightly lesser degree, New York, were they really a formidable force.

292 During the Revolution George Washington decided that, however useful
293 the militia might be in harassing or quasi-guerrilla warfare, lasting victory
294 could be forged only with a regular army. But the militia concept had
295 appealed to the Founding Fathers because it accorded with their
296 philosophical predispositions and their own experience in warfare. From
297 their inception the American colonies had to rely upon an armed populace

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298 for defense. Many times the colonies simply could not afford to maintain
299 a sufficient standing military establishment. It also became a matter of
300 duty. One had to work and to be prepared to defend the colony if he
301 wished to live within its borders. Necessity, popular opinion and abstract
302 philosophy had combined to commit the Founding Fathers to a military
303 system based ultimately on what was then described as the "unorganized
304 militia."

305 The New England Beginnings

306 It has become popular to say that the militia system developed in the
307 New World because the colonies were too poor to be able to devote a
308 significant portion of the able-bodied manpower to a permanent military
309 establishment. There were constant dangers from all sides, ranging from
310 Britain's various traditional enemies, such as Spain and France, to the
311 native aborigine. Therefore, the colonies reverted to the military
312 organization of an earlier time, the militia system as used at the beginning
313 of modern Europe. While the European militias had atrophied and could,
314 at best, be considered a vestigial organ of the state, the American militias
315 had become vibrant military, social, and fraternal organizations necessary
316 to the very existence of the colonies. No king would attempt to stave off
317 his enemies on the continent, but the French and English kings depended
318 almost exclusively upon their North American colonial militias. Nowhere
319 was the militia system as well organized as in Puritan New England.³⁰

320 When the Puritans landed in New England they wished to found their
321 own city on the hill, secular paradise, or land of the chosen people.
322 Initially, the Pilgrims courted the indigenous Amerindians and became
323 friends with the Wampanoags. The Massachusetts colony was wholly
324 separatist and wanted nothing more than to be left alone. In the earliest
325 years there was virtually no need for a strong military system. The
326 friendship was short-lived, for the Europeans never did quite master the
327 skill of being good neighbors to the Amerindians and leaving them alone.
328 Within ten years the Puritans had come to regard themselves as the new

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329 Zion and the Amerindians as Canaanites. They did not regard themselves
330 as interlopers, but as God's chosen people for whom the new land had
331 been prepared, and which they could develop without limitation. Like the
332 Jews of the Exodus, the Puritans did not spare the Canaanites. Within ten
333 years after the Puritans initially landed those at Boston had formed a
334 mighty militia system.

335 Three separate, and often mutually distrustful, authorities vied for
336 control of the New England militias. First, each colony had its own militia
337 organization which was identical with, or responsible to, the colonial
338 legislature and/or governor. Second, the New England colonies having
339 created a unified military plan known as the New England Confederation,
340 placed their individual militias under this regional authority. At various
341 times the individual colonial authorities refused to cooperate and release
342 militiamen to assist the general authority. Massachusetts refused to assist
343 the other members in the first Narragansett War (1645-50) when it was
344 not especially threatened, but demanded assistance from the other
345 colonies when in 1675 in the second Narragansett War it was sacked and
346 pillaged. Third, the mother country was the ultimate sovereign authority
347 that periodically intervened in local militia affairs. As with most other
348 aspects of colonial policy, England generally neglected the colonies, but on
349 occasion it attempted to impose its will on its dependencies. The colonial
350 militias usually provided for virtually all of their own colonies' defense and
351 this freed the English standing army for larger and, to the mother nation,
352 more important duties. In general, the colonies were delighted to receive
353 money, materials, equipment, and arms from England, but they disliked
354 the brutal discipline and elitist attitude of the professional officer corps and
355 they held the army in disdain for it was essentially useless in frontier
356 warfare against savages who did not follow the rules of European warfare.
357 They especially resented English intrusion into the appointment of militia
358 officers.

359 The New England Puritans of c.1630 were displeased with the English
360 militia system for a variety of reasons.³¹ Charles I had reorganized the
361 English militia, creating a far more elitist and disciplined organization than
362 his father, James I, had possessed. He brought veteran professional

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363 military men, many the veterans of several continental European wars, to
364 train and discipline the raw militia recruits. He also introduced new
365 weapons and required that existing weapons, most long neglected and in
366 a sad state of disrepair, be properly mended. He angered the Puritans by
367 requiring that, following church services on Sundays, the train bands were
368 to engage in such sports as "archery, running, wrestling, leaping, football
369 playing, casting the sledge hammer and playing at cudgels."³² The
370 Puritans regarded this as a sacrilegious violation of the Sabbath which
371 they argued was to be a day of rest and not of praying and playing games.
372 Thus, Charles added a religious question to the existing legal and
373 constitutional questions concerning his reorganization of the militia.
374 Charles I bragged that his reorganized train band system was "the perfect
375 militia."³³

376 The English Puritan brethren had rejected the militia policies of Charles
377 I and in the bitter debate in the parliamentary session of 1628 railed hard
378 against the imposition of tyrannical standards on an essentially civilian
379 body.³⁴ Those Puritans who sailed with John Winthrop in 1630 had an idea
380 of a militia constituted in a way quite different from the Stuart train bands.
381 There was no question that they would create a militia, for they were well
382 aware of the massacre of the ill-prepared Virginians at the hands of the
383 Indians in 1622. But they did not agree with Charles I that his idea of a
384 train band was a perfect militia.³⁵

385 The Charter of New England of 1620 created a militia primarily as an
386 instrument to contain "Rebellion, Insurrection and Mutiny" against the
387 crown. The militia was also to "encounter, expulse, repel and resist by
388 Force of Arms" by "all ways and meanes" whatever foreign or native
389 forces might be directed against the colony. The charter made the
390 president the militia commander, although the assent of council was
391 needed to deploy the militia. Council was to make appropriate laws for
392 enrollment, training and discipline of the militia. The charter required the
393 president and council to supply arms, ammunition and other goods of
394 war.³⁶

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395 The New England Puritans first hired professional military men to equip,
396 drill and train the militia, but these men were veteran soldiers who were
397 not Puritans and did not share the religious vision of the city on the hill.
398 They had a particular dislike for the demand the Puritan made that they
399 be allowed to elect officers, an idea inconceivable to professional military
400 men. They were also expensive, both in terms of pay and in terms of the
401 discontent they fostered in the colony. Jost Weillust, a German artillery
402 specialist, left the Massachusetts Bay Colony almost immediately, having
403 acquired no love for the new land and perhaps overcome by
404 homesickness. Daniel Patrick and John Underhill lasted somewhat longer,
405 but they were never comfortable with the spartan life of New England
406 Puritanism. Both were accused of having committed adultery with young
407 women of the community and were asked to leave.³⁷ Underhill and the
408 Puritans parted company on less than friendly terms. He observed with
409 disgust that the Puritans were, at best, "soldiers not accustomed to war"
410 who were "unexpert in the use of their arms." The political authorities of
411 New England decided that henceforth they would hire only Puritans,
412 whether they were military veterans or not.

413 There were many demands for money to fund various governmental
414 activities and the tax base was small. One of the larger items in the
415 defense budgets was the erection and maintenance of frontier
416 fortifications. To save money the militias were originally all volunteer
417 organizations. Many militiamen objected to their deployment in
418 construction and maintenance of forts and places of refuge. However,
419 when the governments failed to recruit enough volunteers to complete the
420 work, they turned to the draft to fill out the quota of volunteer workmen.
421 The draft depleted the resources of many militia companies.³⁸

422 Beginning with the Mayflower Compact of 11 November 1620 the New
423 England colony had been founded upon a social contract. The colonists
424 believed that the only way free men could be brought to obey the law was
425 to base the law upon a contract upon which all agreed. The New England
426 Puritans had a strong sense of democracy and they demanded broad
427 based political participation in all decision making. The social contract had
428 a natural law, Scriptural base. Each man agreed to give up his own
429 interest and benefits voluntarily to the greater community in exchange for
430 protection and congeniality. Among free men no amount of coercion could
431 replace voluntary consent of the governed as the cornerstone of the polity.
432 The congregational churches, election of ministers and magistrates,

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433 creation of state and town governments, and organization of the militia
434 were all arranged contractually. Thomas Hooker, one of the most
435 important of the Puritan theorists, argued that a man who desired to live
436 a good life in a Christian polity must "willingly binde and ingage himself to
437 each member of that society . . . or else a member actually he is not."³⁹
438 Each man under contract viewed himself as the author of law and the
439 creator of order.

440 This contractual model extended to the founding and operation of the
441 militia. The major application of the contractual principle extended to
442 recruiting and training a militia in New England and with the popular
443 election of militia officers. The New England militia was a contractual or
444 covenanted organization, based on the principle of voluntary collectivism.
445 A contractual militia was no threat to civil liberties, freedom or civil rights,
446 especially when tied to Scripture. The contract limited deployment of
447 troops and militiamen argued that no governmental power could force
448 them to serve beyond the boundaries of their own colony, and only rarely
449 beyond their own region.⁴⁰

450 In times of trials and external threats the Puritans frequently called for
451 fasting among the entire community as a means of supporting their
452 militiamen. Fasting served as communal expiation for their un-Christian
453 divisiveness within the ranks of the faithful. It also served to assist in
454 communal re-dedication to their sacred covenant.⁴¹ As late as the 1760s,
455 while Boston was under the yoke of British occupation forces who were
456 being quartered in private homes, Governor Bernard called for "a general
457 fast, to be kept the sixth of April next" offered up so that "God would be
458 graciously pleased to continue us, the enjoyment of all our invaluable
459 privileges, of a civil and religious nature."⁴²

460 The British authorities intensely disliked this democratic practice. When
461 Sir Charles Hardy in 1756 was raising troops for his attack on the French
462 fort at Crown Point he complained bitterly about the practice of the
463 militiamen electing their own officers.

464 Pray, my Lord, where have these men come from? Under the vote for
465 raising the Men . . . the Men have it in their own Choice & are supported
466 in it by a law of the Colony from whence they came, and the Consequence

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467 is plain The present Method is attendant with great Delays
468 Captains of the Regulars will think it hard to be commanded by Field
469 Officers of the Provincials & the Field Officers will likewise think so in
470 having them on equal foot All Men raised in the Provinces for his
471 Majesty's Service should be raised by the Commander in Chief who may
472 give blank Commissions in such Numbers he thinks proper, to the several
473 Governors, to fill up with the Names of such Persons as may be qualified
474⁴³

475 In the other colonies the officers were appointed by the governors,
476 proprietors or legislature. In practice it made little difference because the
477 New Englanders were generally much persuaded to recruit officers from
478 among the better class, which frequently translated to the religious
479 hierarchy. There was no discernable difference between the military and
480 the social structure of the community.

481 As early as 1632 Governor Winthrop noted that the people had
482 demanded the right of free men to select their own officers.⁴⁴ He was able
483 to delay the grant of this right temporarily, for the Puritans had long since
484 decided that free men who could elect their own ministers and political
485 leaders could certainly be entrusted with the selection of militia officers.
486 Besides, it was their very lives, and not the life of the governor, they were
487 entrusting to their elected officers. The legislature bided its time, waiting
488 to force the governor's hand at the first opportunity. That opportunity
489 came in 1636 as the colony prepared for war with the Pequot Indians.
490 The Massachusetts General Court enacted legislation allowing each
491 regiment and company to nominate its own officers, subject to ratification
492 by the council. In practice, this confirmation was ordinarily automatic.
493 The militia units responded immediately by holding elections and sending
494 in the names for approval. The requirements for becoming an officer, in
495 addition to election, were correct church membership and status as
496 freemen.⁴⁵ In a few cases, the militia units would send up more names
497 than were actually needed, or additional names after council had
498 questioned a name, but frequently these additional names were found to
499 be disqualified on some ground.⁴⁶ In 1643 the general court fully yielded
500 its power to appoint militia offices, although it still appointed sergeant
501 major general, the highest office in the New England colonies. However,
502 the company sergeant-majors, were made elective.

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503 As late as the American Revolution the practice of election of officers
504 came under criticism of several experienced military and some legislators
505 from the middle and southern colonies. General George Washington, for
506 example, disliked the practice of electing officers because he believed that
507 it was misplaced democracy, was wholly inappropriate to the martial spirit,
508 and that it subverted attempts to foster military temperament. During the
509 war Washington cashiered several officers because they had fraternized
510 too much with their men. Such fraternal relations, Washington reasoned,
511 would subvert discipline, while doing nothing to create a spirit of
512 command. He argued that the only way to select officers was to test the
513 military prowess and competence and learning in the art of war.⁴⁷

514 While the English regarded the Puritans as hopelessly democratic, the
515 colony of Massachusetts Bay still had a rigid class structure, seen nowhere
516 better than in its militia organization. The wealthy citizens who could
517 afford the equipment organized as cavalry, which became the elite units
518 within the militia. The underclass, on the other hand, supplied the foot
519 soldiers. These were men for the most part who could barely afford to
520 buy the most basic weapons that the law required them to supply. The
521 many men who were so poor that they could not otherwise afford arms
522 were provided guns at public expense, but only in exchange for
523 performing public service. John Shy likened their obligation to labor to
524 pay for their arms to the English working class which had to labor in the
525 working-houses to compensate for charitable support.⁴⁸

526 The chief military commanders ordinarily held the position of colonial
527 governor, a title well established in England. His military deputies carried
528 the title of councillors. In time of actual war in New England the
529 governors frequently asked for and received the support of various town
530 and city officials, men who often doubled as militia officers. Together,
531 these men constituted the council of war.⁴⁹

532 By 1641 both the home government and various local authorities in
533 New England had come to the conclusion that a militia was indispensable
534 for the protection of the inhabitants. A publication entitled *An Abstract of*
535 *the Laws of New England as They are Now Established*⁵⁰ concluded that for
536 the best protection of the county, "First, a law [is] to be made for the
537 training of all the men in the country fit to bear arms, unto the exercise
538 of military discipline. . . ." The only other measure suggested for colonial
539 defense was "and withal, another law to be made for the maintenance of

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540 military officers and forts."

541 The New England Confederation, formed in 1643, was a primarily
542 military organization consisting of New Plymouth, Massachusetts Bay,
543 Connecticut, New Haven, Cornwall [Maine], and King's Province [a
544 disputed area in southern New England]. This was essentially the same
545 area as James II reorganized in 1686-89 as the Dominion of New England.
546 It was devised as for "mutual safety and welfare," a self-defense program
547 based on the colonial militias of these member provinces. Delegates met
548 in Boston and adopted a written constitution which formed The United
549 Colonies of New England. Each colony retained its own system of
550 managing internal affairs. Questions of war and peace were decided by
551 eight commissioners representing Massachusetts, Plymouth, Connecticut
552 and New Haven. Any six commissioners constituted a working majority.
553 The commissioners met at least once a year and more frequently if there
554 were problems brewing within its area of design.

555 Expenses for the defensive system were borne by the colonies in
556 proportion to the male population between ages 16 and 60, that is, of men
557 of the proper age to serve in the militia. Massachusetts certainly bore the
558 bulk of the expenses and had the vast majority of men subject to militia
559 service, yet its commissioners carried no greater weight than the smaller
560 colonies. The confederation would make, or at least approve, all appoint-
561 ments of officers and designate an overall commander-in-chief.
562 Ordinarily, confederation troops were to be under the command of the
563 ranking officer of the colony in which the troops were presently
564 deployed.⁵¹

565 In 1653 the council met at Boston to consider "what number of soldiers
566 might be requisite, if God called the Collonies to make warr against the
567 Dutch." It named as captain commander John Leverett of Boston and
568 apportioned its force of 500 as follows: Massachusetts Bay, 333;
569 Plymouth, 60; Connecticut, 65; and New Haven, 42.

570 A major problem occurred for the confederation in 1653 when
571 Massachusetts Bay refused to approve a war against the Dutch. Without
572 its men and monetary contributions the union could not operate
573 effectively. Initially, Massachusetts opposed the admission of
574 Narragansett Bay [Rhode Island] and Cornwall [Maine] because the
575 inhabitants held heterodox religious views. After 1664, when New Haven

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576 was annexed to Connecticut, the quotas and representation of the two
577 confederation members was combined. At that point the constitution was
578 amended to allow for meetings once ever three years instead of annually.
579 The federation simultaneously went into a precipitous decline, but it
580 revived briefly after a major threat from the native aborigine appeared.
581 Between 1645 and 1650, and again in 1675, it waged war on the Narra-
582 gansetts.⁵² It operated most successfully during King Philip's War (1675-
583 76), coordinating the defense of the region. In 1684 the charter of
584 Massachusetts Bay was withdrawn and the confederation came to an end.

585 The Confederation had assumed the power to negotiate arms and
586 gunpowder contracts, and to contract for maintenance and repair of the
587 confederation's arms. Arms and supplies were to be stored in several
588 convenient locations, with access to these materials of war granted to all
589 members. It had sought the authority to declare war on Amerindian tribes
590 on behalf of all members and to regulate the Indian trade and license
591 Indian traders. It had sought the power to negotiate alliances with the
592 various Amerindian tribes and to send negotiators to settle inter-tribal
593 disputes. The confederation legally could take no action until at least six
594 members approved, although this was not always the actual case.⁵³

595 New England was more than sufficiently rich to sustain its militia.
596 When it deployed men on the frontier it found that a town could feed,
597 house, and otherwise provide for a considerable number of men. Most
598 towns could contribute a company or two of militia to the general effort
599 while retaining sufficient strength to defend themselves. Most towns had
600 one or more fortified buildings that served as a base of operations when
601 the militia was deployed in the area; and as places of refuge if the town
602 came under Amerindian attack.

603 New England frequently offered its militiamen various incentives for
604 performing their duties well. Although these colonies did not have large
605 blocks of land to donate (as Virginia did) but they did offer occasional
606 bounties in land, notably in Maine. The colonies generally did not have to
607 offer scalp bounties in order to mobilize militiamen, but again, on
608 occasion, they did so. Too, there were possibilities of militiamen obtaining
609 plunder; and others obtained money from the sales of Amerindian
610 captives as slaves.

611 In 1688 the King James II was expelled, nominally because he kept a

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612 standing army in violation of Parliament's orders and for being sympathet-
613 ic to Roman Catholics and to the French. Parliament passed a Mutiny Act,
614 setting up courts-martial and imposing military law for periods of up to
615 six months. There was no appeal to either the courts or Parliament and
616 we may view this action as the beginning of true, sovereign parliamentary
617 supremacy.

618 The Glorious Revolution brought a Bill of Rights, that, among other
619 things, provided that the king could not keep a standing army in the time
620 of peace. Parliament would fund the military on an annual basis through
621 the conventional budgetary process. In April 1689 the colonists of New
622 England decided to endorse in the change of government by ousting
623 royalist and reactionary Governor Edmund Andros. The provincial
624 authorities also ordered the arrest of royalist officers serving in Andros's
625 army. Without their leaders, the army dissolved. A popular leader, Jacob
626 Leisler, declared himself to be acting lieutenant-governor, to serve until
627 the pleasure of Parliament become known. Dutch settlers in Albany (who
628 were also under Andros's control) refused to recognize Leisler's dubious
629 claim, choosing to rule themselves through a popularly elected town
630 assembly. Only a militia remained to protect the borders, restrain and
631 pacify the Amerindians and maintain order.

632 The Dominion of New England "fulfilled the expectations of the Lords
633 of Trade as a solution of the colonial problem of defense." It checked
634 Indian encroachments and strengthened the alliance with the Iroquois.
635 Andros's garrisoning of the frontier and his aggressive military ventures
636 "made New England formidable to its enemies."⁵⁴ When the Dominion of
637 New England collapsed, the new government in England delayed the
638 formulation of imperial policy for the defense of the colonies.

639 The Lords of Trade were insisting on reestablishing a consolidated
640 government over the northern colonies, which they interpreted to include
641 New England, New York, and New Jersey, under a single governor-
642 general. However, this plan of reconsolidation was left unresolved
643 because of the effective opposition led by the New England agents in
644 London.⁵⁵ The New England Puritans could claim victory only to the extent
645 that they had succeeded in maintaining their status as a separate colonies.
646 Still, for a variety of good reasons, substantial opinion existed for re-
647 establishing the Dominion. There was general agreement that any new
648 dominion must shed its autocratic features. On 25 January 1691, a group
649 of forty-five of the leading citizens of Massachusetts petitioned the King

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650 to appoint "a Governor and Council over us to administer the Government
651 with an elected Assembly . . . and as many of the little provinces as seem
652 good to you may be united under one Governor for mutual defence and
653 security."⁵⁶ In July 1691 New York Governor Henry Sloughter, claiming
654 that he had the backing of the council and General Assembly, expressed
655 the same desire.⁵⁷ On 14 May 1692 William Phips (1651-1695) arrived at
656 Boston carrying a parliamentary commission naming him as captain-
657 general, governor and commander in chief of the militia for Rhode Island
658 and Providence Plantations, Connecticut, the King's Province,
659 Massachusetts and New Hampshire estates. This was a plan the New
660 England colonies opposed with great vigor because these provinces
661 claimed that they alone controlled their own militias. They claimed there
662 was no legal provision for subordinating the provincial militias to any
663 exterior authority.⁵⁸

664 Meanwhile, the colonists sought to create a military union on their own,
665 prompted by the French and Indian hostilities along the New York and
666 Maine frontiers in 1689. These incursions caught the northern colonies
667 unprepared. To meet the emergency, attempts were made to reinstate
668 a regional military union of much the same sort as the New England
669 Confederation. Mutual military support was the theme of the times. In
670 July 1689 Massachusetts Governor Bradstreet requested that Connecticut
671 authorities to "be ready to yield all necessary assistance when desired
672 according to the rules of our ancient union and confederation."⁵⁹ But the
673 Confederation was not revitalized. Robert Livingston, writing from
674 Hartford, speaking for many, argued that "it will be very requisite that the
675 united Colonies take Inspection of all affairs with us, since their interest
676 and ours are so inseparable . . ." ⁶⁰

677 Connecticut and Rhode Island would not allow Phips to recruit
678 volunteers, let alone draft men, from their militia on grounds that their
679 charters granted them exclusive and inviolable rights to control and deploy
680 their own militias. Phips appealed to the king, arguing that "you will not
681 be soe unmindfull of your old neighbours." This failed to yield any results.
682 The Rhode Island Assembly refused to recognize Phips as commander
683 over the colony's militia and petitioned the crown for recognition of its
684 charter rights. The Attorney General and Committee of Trade agreed to
685 uphold Rhode Island's constitutional stand, but reaffirmed the Attorney
686 General's opinion of 1690 that the crown retained the power to appoint a
687 commander in chief over any part of a colony's militia. Thus, in time of

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688 invasion the king or his delegate could take charge of whatever forces
689 required. Phips made no overt move to assume command over the militia
690 of the colonies.⁶¹

691 In May 1693, the crown ordered Benjamin Fletcher, governor of
692 Pennsylvania, West Jersey, and New York, to take command of the
693 Connecticut militia for an expedition against Canada. It told Phips to
694 "consult and advise" with Fletcher. East Jersey and Pennsylvania refused
695 to respond to Fletcher's demands for money and troops.⁶² In October
696 1693 Fletcher, accompanied by two members of the New York Council,
697 traveled to Hartford to establish his commission as commander of the
698 Connecticut militia. Having learned of Fletcher's intentions earlier, the
699 Connecticut General Court dispatched Fitz-John Winthrop to England to
700 secure confirmation of the charter. The General Court took the position
701 that Fletcher's commission could not supersede the powers that the
702 Connecticut Charter granted to the colony over its own over the militia.
703 "We are still willing to doe our proportion with our neighbours in such
704 public charge wherein we are equally concerned," the Connecticut General
705 Court informed Fletcher, but other colonies must do their share.
706 Connecticut argued that it had already done more than its part by
707 contributing to the garrisons at Albany and Deerfield.⁶³

708 Fletcher, in a letter to the Lords of Trade, warned that Connecticut's
709 obstinacy would lead to a French victory in North America. "These People
710 of Connecticut are in a greate fright the noise of a Quo Warranto or A
711 sharp Letter from their Majesties will reduce Them the wisest and Richest
712 of them Desire to bee under the Kings imediate Government."⁶⁴ Fletcher
713 called a general conference of the governors to obtain pledges of troops
714 and financial aid from each colony. The Board of Trade authorized to
715 Fletcher to issue a call for troops from New York, Rhode Island,
716 Massachusetts, Pennsylvania, Maryland, and Virginia. Moreover, the
717 crown authorized the appointment of a chief commander to order the
718 combined provincial militias in time of war. The crown also ordered the
719 colonies to contribute troops or other assistance upon request of the
720 governor of New York.

721 Several of the colonies were outraged at this assertion of English power
722 over the colonial militias. The Rhode Island Assembly resolved that "in
723 time of peace, and when the danger is over, the militia within each of the
724 said provinces ought, as we humbly conceive, to be under the government

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725 and disposition of the respective Governors of the Colonies, according to
726 their Charters."⁶⁵ Another negative provincial reaction was financial. For
727 example, the Maryland House of Delegates only reluctantly voted a small
728 appropriation and elusively talked of the possibility of future free will
729 donations.⁶⁶ The London Board of Trade considered the establishment
730 of a colonial military union to be of paramount importance.

731 On 30 September 1696 the Board considered various proposals along
732 that line from the colonies. John Nelson, Governor Fletcher of New York
733 and Governor Nicholson of Maryland offered plans that, while intriguing,
734 were also insufficient or unacceptable. The Board concluded that in
735 wartime all provincial militia should be placed under one a single authority
736 who would bear the title of captain general, who would be invested with
737 the powers of a royal governor.

738 American colonial representatives then appeared before the Board of
739 Trade, but they were unable to agree on a united front that they would
740 present before the board. Edmund Harrison, Henry Ashurst, William
741 Phips, representing New England and Daniel Coxe of New York argued for
742 the creation of a governor general with civil as well as well as military
743 jurisdiction. Fitz-John Winthrop reiterated Connecticut's position based
744 upon the charter rights it held that precluded tampering with its militia.
745 Chidley Brooke and William Nicoll of New York favored a stronger union
746 than any yet proposed. The Board of Trade feared the consequences of
747 voiding the charters of Rhode Island and Connecticut without due legal
748 process. Thus, the Board decided to recommend a military union
749 superimposed by the Crown. In February 1697 an order by the king-in-
750 council directed the establishment of a military union of the four New
751 England colonies, New York, and West New Jersey under a captain-
752 general.⁶⁷

753 The first appointment of captain-general went to Richard Coote, first
754 Earl of Bellomont in the Irish peerage. Bellomont had powerful support,
755 for among those backing him were William III, Lord Shrewsbury and Sir
756 Henry Ashurst. It was a good appointment for Bellomont was acceptable
757 to the New England and New York. While his political title was Governor
758 of New York, Massachusetts and New Hampshire, in reality Bellomont
759 received command over all the militia of the northern colonies. That
760 command could be exercised only during wartime. Bellomont did not
761 reach New York until April 1698 and did not take over the reins of the

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762 Massachusetts government until May 1699. Unfortunately, his first great
763 commitment was not military but criminal. He arrived just in time to
764 become embroiled in the Captain Kidd affair.⁶⁸ He had no success in
765 gaining recognition of his military powers in Rhode Island. Whatever
766 chance he may have had to succeed there initially was soon lost as he
767 became obsessed with enforcement of the highly unpopular Navigation
768 Acts.⁶⁹ More destructive yet, he became entangled in the complex politics,
769 largely of New York, that had also undone his predecessor, Benjamin
770 Fletcher. Bellomont died suddenly in March 1701, and with him died also
771 the plan for military unity.

772 Renewed call for a central military authority for New England came as
773 the colonies prepared to enter Queen Anne's War. Joseph Dudley had
774 received his commission in 1702 as Governor of Massachusetts and New
775 Hampshire. With this was his appointment as captain general with
776 authority over all the New England militia in time of war. He was also
777 vice-admiral of Rhode Island.⁷⁰ Dudley found it impossible to weld
778 together an inter-colonial military system. New England had two
779 objections to his appointment. First, there had objections to his previous
780 service as the first governor of the Dominion of New England. He was also
781 closely tied to the established high church party in England. Rhode Island
782 and Connecticut remained recalcitrant concerning their charter privileges.
783 Connecticut refused to send troops beyond the frontier of the Connecticut
784 Valley during the early phase of Queen Anne's War. Connecticut
785 disbanded its militia in 1704 without Dudley's authorization. When told to
786 obey the orders of the Massachusetts Governor, Connecticut refused. In
787 late 1706 and early 1707 Dudley appealed to Fitz-John Winthrop,
788 begging him to use his powers of persuasion to enlist the support of
789 Connecticut in the combined provincial expedition being assembled to
790 capture Port Royal in Acadia. Winthrop replied that the Connecticut
791 Assembly would not cooperate because there was nothing about that
792 expedition that would benefit the colony. Rhode Island also denied
793 Dudley's military authority over its militia.⁷¹

794 Professor John Shy, a leading critic of the American colonial militia
795 system, observed that, about 1710, "it would be wrong to idealize the
796 New England militia, but it would be equally mistaken not to recognize
797 that there the institution had retained its vitality."⁷² Toward the end of
798 Queen Anne's War (1702-1713) Governor Joseph Dudley could boast that
799 his militia system had achieved two goals. First, it successfully defended

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800 its own frontiers and most settlements from French and Amerindian
801 attack. Second, it had supplied significant troop strength to assist the
802 English expeditions against French Canada.

803 Plans for a Unified Military Command

804 We may think of the Albany Plan as the first attempt to create a
805 politico-military union among the colonies, but before the Albany Plan was
806 proposed there were several schemes for colonial union proposed between
807 1643 and 1754. Most of these were schemes for regional integration,
808 rather than plans for full inter-colonial military, political, economic and
809 social cooperation. The separate founding of the colonies, coupled with
810 difficulties of travel, prevented effective Union until the Revolution.
811 However, many proposals for union had grown out of the many common
812 problems faced by the Colonies. The most continually aggravating
813 problem was that of frontier defense against Amerindian attack. Rivalry
814 with the Swedes, Dutch Spanish and French exacerbated this problem.
815 Trade and boundary disputes emphasized the need for a common
816 arbitrator. A common culture, mores, folkways, customs, religion, ethnic
817 origin, traditions and allegiance provided a reasonable basis for unity.
818 Moreover, the English home government, desiring to make the colonies a
819 more effective unit for imperial trade and defense, in some cases, encour-
820 aged several plans for union. These plans varied widely in origin and
821 design. There was no common agreement on the number of the American
822 colonies to be included.

823 Colonial military policy had developed along relatively simplistic lines.
824 The colonial militias would take on the responsibility of guarding the
825 frontiers against the Amerindians. There would be no standing armies
826 within the colonies. Ordinarily, colonists or their legislatures attended to
827 the selection of colonial officers. Militia funding was the responsibility of
828 colonial legislatures. Military units existed only as long as a crisis existed;
829 permanent military systems were unacceptable. When there was a larger
830 operation, British naval and military power would be brought to bear. In
831 larger campaigns the militia would be merged with regular British forces.
832 Militia might come under British command at any point. While militia need
833 not serve beyond the boundaries of the colonies, British authorities could
834 draft militiamen into service abroad.

835 The United Colonies of New England was a practical plan which actually

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836 existed between 1643 and 1684. Massachusetts Bay, Plymouth,
837 Connecticut and New Haven were united in a league largely for frontier
838 defense. It was replaced by the Dominion of New England in 1688. The
839 British Crown superimposed this plan upon the members by making Sir
840 Edmund Andros Governor-general of all the New England colonies, New
841 York, East and West Jersey. New England maintained for a period of forty
842 years its "Confederation." Between 1643 and 1662 the members were
843 Massachusetts Bay, Plymouth, Connecticut and New Haven. Between
844 1662 and 1684 New Haven, having been incorporated into Connecticut,
845 disappeared from the records as a partner. This early system had
846 functioned fairly effectively under the acknowledged primacy of the
847 government of Massachusetts Bay, in the requisitioning of men and money
848 upon the member colonies when action was required. Moreover, the Plan
849 adhered scrupulously to the requisition principle and in its scope scarcely
850 went beyond the New England concert of King George's War, which under
851 the primacy of Massachusetts Bay had to its credit the capture of the great
852 fortress of Louisbourg.

853 The Inter-colonial Congress, which existed between 1689-91, included
854 New York, Massachusetts, Plymouth and Connecticut. These colonies
855 entered into a temporary military league for frontier defense.

856 William Penn's *Briefe and Plaine Scheam* for union was written in 1697.
857 Penn's proposal for a loose confederation grew out of the conditions
858 prevailing during King William's War. This was an odd work especially
859 considering the general opposition to war and military establishment
860 espoused by the Society of Friends; and in view of the Quaker opposition
861 to the passage of a militia act.

862 Another plan of union was proposed under the Earl of Bellomont.
863 Bellomont served between 1698 and 1701 as governor of New York,
864 Massachusetts and New Hampshire. He was also commander of the
865 military forces of those colonies and of the forces of the provinces of
866 Connecticut, Rhode Island and the Jerseys. The Crown appointed
867 Bellomont to this large command because of colonial failure to co-operate
868 in defense. It hoped that a strong over-lord might superimpose military
869 union and full cooperation among the several militias in defense of the
870 frontiers.

871 Governor Hamilton's Plan of 1699 was based on the production of

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872 supplies for the Royal Navy which would then guard against the designs
873 of the French. He also proposed the construction of many strong strategic
874 fortified positions and strong-holds along the frontier. These static
875 fortifications would prevent the incursion of large French, Indian or mixed
876 forces. Military defensive positions were to be planned, designed,
877 executed and built under the direction of British regular military engineers.
878 Hamilton thought that previous fortified positions had failed because
879 colonials were poor engineers and builders and had not the dedication,
880 skill or will to build impregnable forts. Colonial log forts deteriorated too
881 quickly. Hamilton made his proposals while he was serving as
882 deputy-governor of Pennsylvania. His proposal included provision for an
883 inter-colonial assembly with the power to levy a poll tax to finance his
884 several projects.

885 *A Virginian's Plan of Union of 1701*, was an anonymous publication
886 issued in London which advocated abolishing all the proprietary govern-
887 ments and uniting the colonies under an inter-colonial Congress and
888 governor-general. This plan was more political and administrative in
889 conception than military, except that a unified colonial administration
890 would have a unified military command. Unified command would include
891 universal imposition of the Mutiny Act and brutal, but highly effective,
892 martial law and military discipline.

893 Robert Livingston's proposed his quite incomplete scheme for military
894 union in 1701. In a letter to the Lords of Trade, Livingston proposed that
895 the colonies be grouped into three military-administrative units, which
896 would be coordinated by the Council of Trade for frontier defense. Again,
897 British discipline and thorough administration would replace local discipline
898 which nearly all agreed was quite lax as compared with standard British
899 discipline. Livingston was principally concerned with the scarcity of militia
900 training standards and armament. Queen Anne's War provided an
901 excellent opportunity for inter-colonial military cooperation, as well as full
902 cooperation between colonies and mother country. Beginning in 1708
903 Governor Vetch and others thought that a major joint venture against
904 Quebec was being planned. But the home office changed its objective
905 from Quebec to Port Royal. Intercolonial cooperation was quickly
906 abandoned. Vetch called a conference at Rehoboth, Rhode Island, but
907 New York declined to attend and the delegates from Massachusetts Bay,
908 New Hampshire, Connecticut and Rhode Island settled for the simple
909 expedient of sending a petition to the queen asking for an assault on

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910 Quebec. Five hundred British marines easily captured the under-manned
911 fort at Port Royal, with colonials have little role in the action. Vetch
912 assumed political control over the area and thoughts of formal military
913 alliances were forgotten.

914 All plans for military cooperation and unity called for a centralized
915 authority and some sort of permanent military force. The colonists might
916 have tolerated a substantial British force in America, if the troops had
917 been dispersed to the distant frontiers. But the British government did not
918 want to bear this added expense. British troops permanently stationed in
919 the American colonies during Queen Anne's War consisted only of four
920 companies of one hundred men each. Their mission was to block the
921 invasion routes along the Mohawk and Champlain valleys. The British
922 government under-supported, even neglected and ignored, these troops.
923 Professor John Shy noted that, at the end of Queen Anne's War, the crown
924 considered maintaining troops in the colonies, but only if three conditions
925 existed: (1) inability of a particular colony or cluster of colonies to offer
926 sufficient defense without outside help; (2) definite strategic or financial
927 value accrued to the crown; and (3) the colonial authorities would
928 cooperate by paying part of the costs of maintaining the garrisons.⁷³

929 The importance of friendship between the English and the Indians of
930 the Six Nations, along with the Indians' dependence upon the Crown of
931 Great Britain were two important points in the Treaty of Utrecht of 11 April
932 1713. An effort was made at this Treaty to have the Indians of the Six
933 Nations acknowledged by French to be subject to the Dominion of Great
934 Britain. One provision of the treaty was that "the French shall give no
935 hindrance or molestation either to them, or the other natives of America,
936 who were friends of the English."⁷⁴ The Treaty further stipulated that the
937 subjects of both monarchies would be permitted to come and go freely
938 and to trade as they wished and that the natives should also have the
939 same freedom to move freely between the British and French colonies so
940 as to promote trade on both sides. Some of the colonists, having been
941 aware of the arrangement agreed to at the Treaty of Utrecht, became
942 concerned when a considerable number of French "settled on a Carrying
943 Place, made use of by the several Indian Tribes inhabiting that part of the
944 country . . . which separated the Head of the Kennebeck River from that
945 of the River Chandiere" ⁷⁵ Some colonists became even more
946 alarmed when they also learned that the Norredgwalk Indians "had given
947 the new French settlers upon the Carry-Place liberty to hunt any where in

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948 that Country."⁷⁶ This gave rise for concern because it threatened "to
949 disturb the tranquility of the British Provinces."⁷⁷ Both Great Britain and
950 the colonists wanted the Indians to remain dependent upon the Crown, for
951 such dependency was an effective bargaining tool.

952 Not until 1721 did the crown send other regular army units to the
953 colonies. In that year the Board of Trade authorized the deployment of
954 eight infantry regiments on the frontier of New York, Virginia, and the
955 Carolinas. The only other regular British troops stationed in America on
956 a permanent basis were a few companies in the New York garrisons
957 .Additionally, there were one hundred "invalids" in South Carolina.
958 Invalids were pensioners who had been relieved from active duty because
959 of infirmity, age or disability, and could be used only in case of dire
960 emergency.⁷⁸

The Unalienable Rights

961 In reality, the principal factor mitigating against a general military
962 establishment was the establishment of a general overall authority in the
963 person of a captain general. Such an authority was designed to serve as
964 commander in chief of all militia forces, at least during war time, on a
965 permanent basis. This concept was anathema to the independent
966 American colonists who loathed the idea of any standing army existing in
967 peacetime. Nevertheless, the English authorities secretly harbored a plan
968 for creating a captain-general with command over all the militias of all the
969 colonies. Governors Nicholson and Hunter offered their support and
970 endorsement to the plan. After Queen Anne's War this idea of centralized
971 military authority was repeated over and again in the recommendations
972 of and to the Board of Trade.

973 The Earl of Stair in 1721 submitted to the Board of Trade another plan
974 for administrative and military union. Stair's plan included all the
975 continental colonies and the British West Indies in a single military
976 command under a single system of military hierarchy, discipline and
977 command. The system was to be chaired by a governor-in-chief who was
978 to be appointed by the crown. An advisory council of two members from
979 each colony was to assist this official. The governor and his council could
980 levy assessments against the colonies for defense purposes, although the
981 legislature in each colony was free to decide the exact type of tax which
982 would be levied to fulfill its assessed obligation. The scheme was to be
983 established by action of the British Parliament.

984 The Lords of Trade proposed their own plan in 1721 which was outlined
985 in a report given directly to the king. In its essentials, it was drawn from
986 the Earl of Stair's proposal.

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987 Daniel Coxe's offered his plan in 1722 which appeared in a book on
988 world travel published in London. Coxe proposed a union of all the
989 continental colonies under one governor, although there would still be a
990 lieutenant-governor representing the king in each colony. The principal
991 obligations of the over-lord governor would be military in nature. He
992 would recruit, pay and train the basic standing military force and provide
993 standards for militia training and armament. A great council composed of
994 two delegates from each colony was to advise the governor. It would also
995 make decisions concerning the provisioning of the army and the drafting
996 of men needed for the standing colonial defense force.

997 The Kennedy-Franklin Plan of 1751, was the joint effort of Archibald
998 Kennedy, receiver-general of New York, and newspaper editor and
999 statesman Benjamin Franklin. In a pamphlet dealing with Indian trade
1000 and frontier defense, they proposed a unified system of frontier defense.
1001 Doubtless, Franklin was seeking a method of forcing Pennsylvania to pass
1002 a militia law and to form a militia force. If the state legislature could not
1003 be convinced to act on its own in these matters then superimposition from
1004 outside might present the only feasible alternative to force the issue. The
1005 system was more oriented toward a militia system than the other later
1006 plans which had a strong element of a standing army to them. These
1007 military forces were to be directed by a superintendent to be assigned to
1008 the colonies by commissioners representing the colonial assemblies.
1009 Benjamin Franklin added some additional details in his later Albany Plan.

1010 The following proposal, dated 1747, is one of the more practical as well
1011 as feasible and complete plans offered before the Albany Plan.

1012 At a meeting of the Commissioners of the Several Governments of the
1013 Massachusetts Bay New York and Connecticut, at the City of New York, in
1014 order to concert and Agree upon some general Measures for carrying on
1015 the war against the common Enemy and for the Mutual defense and
1016 Security of his Majestys British Provinces and Colonys on ye Continent in
1017 North America, it is Judged after Mature consideration had of the present
1018 distressing circumstances of these three Colonys and thereupon the said
1019 Commissioners agree to Report to their Respective Constituants that they
1020 Unanimously are of opinion

1021 1. That an Expedition be formed and carried on against ye French Fort at
1022 Crown Point for the Reduction of that Fortress.

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1023 2. That it will be necessary that four thousand men (officers included) be
1024 raised (with as many of ye Six Nations of Indians and their allies as can
1025 be Obtained) to carry on the Said Expedition, and that it will be Necessary
1026 those troops be at Albany by the fifteenth of April Next Ready to March for
1027 the aforesaid purpose.

1028 3. That as the Engaging the six Nations and their Allies in this and other
1029 Services against the Common Enemy, is of great importance to the British
1030 Governments, it is Judged Necessary that such of ye Indians as shall
1031 Engage in the said Expedition and go into the Service be Equipt Each with
1032 necessarys to ye value of five pounds New York currency, and be assured
1033 of a present of ye like value on their Return in case of Success.

1034 4. That as a further means of Securing and Engaging the said Indians in
1035 the Service of the English and to prevent their being Seduced to Revolt to
1036 ye French, it is agreed that it be proposed to Each of ye said Governments
1037 that a Gunsmith be Sent to Each of ye Tribes following viz: the Oniades,
1038 Onandagas, Cayugas, and Senecas, and two men with Each Gunsmith to
1039 continue with them untill the Next Spring and that ye said persons be
1040 instructed to be as oblidging as may be to ye Indians with whom they live
1041 and converse and do all in their power to Establish and increase ye
1042 interest of ye English with them and from time to time Advise ye
1043 Governments of any thing they Shall observe Necessary or that ye Indians
1044 may want or desire to be done for yt purpose and that there be purchased
1045 Suitable goods to ye value of three hundred and Sixty pounds New York
1046 currency to be put into the hands of said Smiths (or of one of ye men who
1047 go with them Respectively) to be given to the Several Nations aforesaid
1048 (Except Sixty pounds thereof to be put into the hands of Some Suitable
1049 person for the Mohawks) to be Distributed as follows viz. one hundred and
1050 twenty pounds to the Senecas, Sixty pounds to the Oniades & Tuscarora's,
1051 Sixty pounds to the Cayuga's, and Sixty pounds to ye Onandaga's and that
1052 ye Several persons Render an account upon Oath of ye Disposition of ye
1053 Said goods to ye Respective Governments and that ye Charges of ye Said
1054 Smiths and others attending them as also ye Said three hundred and Sixty
1055 pounds be born and paid in the proportion following, viz., the
1056 Massachusetts Pay Nine twentyeth parts, New York Eight twentyeths and
1057 Connecticut three twentyeths, but these proportions not to be drawn into
1058 precedent upon any other occasion hereafter.

1059 5. That (besides what Governour Clinton has Assured the Commissioners
1060 Shall be Supplied gratis of ye battoes cannon and warlike Stores and

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1061 implements in the Province of New York provided at his Majestys Expence)
1062 the General and common Expence Necessary for Engaging and Rewarding
1063 the Indians paying the officers of ye Train of artiliry and for ye Common
1064 Store of Shot gun powder and other Military preparations Necessary for
1065 ye common Service be provided by and at the Charge of ye Governments
1066 Engaging in this Service and that the proportions and Quotas of the
1067 Governments for these Services as well as ye keeping and Supporting the
1068 Garrison (if Reduced) until his Majesty's pleasure be known be as above
1069 mentioned & that whatsoever part or proportion either of men or money
1070 any other Governments Shall undertake to bear and furnish Shall lessen
1071 the parts of these three Governments according to the aforesaid
1072 proportion and that ye legislatures of Each Government Engaging in this
1073 Enterprize Raise Equip provide for Subsist and pay their own troops as
1074 also appoint Commissarys to take care of their own Stores. Saving that
1075 the Government of New York be not oblided to raise above twelve
1076 hundred men the Massachusetts Commissioners agreeing to propose to
1077 their Constituants to Raise four hundred men to compleat ye proportion
1078 of New York the officers to be Commissioned by ye Governour of ye Said
1079 Government undertaking to provide the Same and both officers and
1080 Souldiers of Said four hundred men to Receive ye Same bounty wages
1081 Subsistance and Every other thing from ye Government of New York which
1082 Shall be given or paid by Said Government of New York to a like
1083 proportion of the twelve hundred men they Shall raise for said Expedition.

1084 6. That the Governours of ye Massachusets bay New York and Connecticut
1085 be desired to appoint and Commission the three General Officers for the
1086 Said Expedition.

1087 7. That Each Government appoint a Committee of one or more persons to
1088 Meet at Middletown in Connecticut on the Eleventh day of December Next
1089 or as Soon after as may be in order to Determine and ascertain the
1090 particulars Necessary to be provided at ye Common Charge of ye
1091 Governments and also to agree what particular Sorts or Species of ye Said
1092 particulars Each Government Shall undertake to provide having Regard to
1093 Said proportion.

1094 8. That ye Commissioners here present having made Report to their
1095 Respective Constituants of what measures are hereby agreed upon the
1096 Governours of ye Massachusets bay, New York and Connecticut be Desired
1097 by ye Respective Assemblys of these Governments to apply to ye
1098 Governours of the Several other provinces and Colonys from Virginia to
1099 New Hampshire inclusive to recommend it to their Several assemblys fully
1100 to Joyn according and in proportion to their ability in this common

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1101 undertaking against his Majestys Enemys and to unite with these
1102 Governments in the Mutual Defence and Security of his Majestys Colonys
1103 on the Continent in North America; and particularly Desiring them to Send
1104 their committee to Meet at Middletown aforesd to Engage in this
1105 undertaking and to agree upon what part they Respectively will provide of
1106 Men, Money and Common Stores necessary for the Engaging and
1107 Encouraging the Indians and for ye Carrying on ye Said Expedition also
1108 Requesting as Speedy an Answer as may be to ye Governours of these
1109 Governments Respectively of what their Several Governments will
1110 undertake in this important Enterprize.

1111 9. That in the mean time while ye preparations are making for ye
1112 proposed Expedition application be made to his Majesty by ye Legislatures
1113 of Each of these Governments for Such a Naval force as may be sufficient
1114 to go up ye River Saint Lawrance and either divert or Subdue that part of
1115 ye Country and in case of an assurance of a Sufficiency to command the
1116 river and attack ye fortresses there and that it be his Majestys pleasure
1117 the Expedition be carryed on against Canada that then ye preparations
1118 and Necessarys designed more immediately for an Expedition against
1119 Crown Point be employed and carryed on against Canada for the Reduction
1120 of the same with Such additional force as can be raised; and in that case
1121 that application at ye Same time be made as aforesaid that ye Quotas of
1122 the Several Governments be Setled and that those who are deficient be
1123 enjoined to furnish the Same.

1124 10. That in case the other Governments who have not Sent their
1125 Commissioners to this meeting to Concert measures for ye common good
1126 of his Majestys Subjects Shall after application made to them as before
1127 proposed and Notice of these conclusions and approbation thereof by
1128 these Governments Shall neglect or refuse to Joyn them in these
1129 important affairs for ye mutual defence and Security of his Majestys
1130 Subjects and interest that then application be made as aforesaid for ye
1131 Royal injunctions to be laid on ye several deficient Governments to furnish
1132 and provide their proportion and Quotas of Men & Money necessary for ye
1133 future general defence and Security of his Majestys Colonys and for ye
1134 Carrying on any proper Scheem for ye Annoyance of ye common Enemy.

1135 11. That in case the proposed Expedition against Crown Point only go
1136 forward and no Ships of war are Sent by his Majesty to go up the River St.
1137 Lawrance for ye purpose aforesaid then a Diversion be made up said River
1138 with what vessels can be obtained from the several Governments at ye

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1139 charge of ye said Governments and in conjunction with such of his
1140 Majestys Ships of war as can be procured at Lewisburgh or elsewhere and
1141 that a diversion by land be made by the direction and under the conduct
1142 of ye general officers by such of ye forces of Christians and Indians as
1143 Shall by said officers on proper encouragement be Sent out for yt purpose.

1144 12. That the vessels goods Stores and other things sent or that shall go
1145 thro any part of the Government of New York for the forces employed in
1146 the aforementioned and proposed Service or in garrisoning the said
1147 Fortress be free and exempt from all toll, tribute, custom and duty that is
1148 or might be imported on Such Materials by virtue of any act of ye
1149 Government of New York.

1150 13. That if it Shall happen that the proposed expeditions Shall neither of
1151 them be carried on the Next year or if by reason of any other Events it
1152 shall be found Necessary for the defence of his Majestys Subjects and
1153 annoying the Enemy to Send out and Maintain Scouts or Rangers that then
1154 the Governments of ye Massachusets bay, New York and Connecticut send
1155 out on proper encouragement such a number of men respectively as they
1156 Shall Judge a proportion for them in order to defend the borders of the
1157 Exposed Settlements and to annoy and distress the French and Enemy
1158 Indians in their Settlements, and in this Service to Joyn with such of ye
1159 Six Nations of Indians and their allies as will go on that design; and that
1160 ye other Governments of New Jersey, Pensilvania, Maryland, Virginia, New
1161 Hampshire and Rhoad Island be applied to, to furnish provide and bear
1162 their proportion in men, Money or other Necessarys for the
1163 encouragement and Support of Such Scouts or Rangers and that Each
1164 Government providing and sending out such Scouts or Rangers Receive
1165 the benefit of such money or other necessarys as Shall be afforded by the
1166 other Governments not sending men, in proportion to the number of men
1167 they shall Respectively employ in said Service.

1168 14. That in case any attack or invasion Shall be made by the Enemy on
1169 any one or more of his Majestys Governments and application be made to
1170 any other Government for assistance, that ye Same be Speedily afforded
1171 according to the necessity and Circumstances of the case; the Subsistance
1172 only being provided by and at the Charge of the Government Requesting
1173 and receiving Such Succors. And if either of the Governments receive any
1174 intelligence of an Enemy approaching either by Sea or Land who may in
1175 danger any one or more of the other Governments that they give them
1176 the earliest Notice possible thereof by Express.

1177 15. That the Legislatures of these three Colonys be Desired to Determine

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1178 upon this agreement with all the dispatch possible and when done that
1179 each Government do signify the same to the others as soon as may be.

1180 16. The Large numbers of men and great charges consequent thereupon
1181 as above have been come into by the Commissioners, by reason of the
1182 Distressing Circumstances of these Governments, Notwithstanding the full
1183 perswasion of the Commissioners that these burdens must be beyond the
1184 ability of said Governments if continued, they being almost constantly
1185 harrassed by invasions or incursions in their borders from the French and
1186 their Indians for Near five hundred miles an End and many of their
1187 Settlements already broken up and destroyed and divers others in the
1188 most imminent danger the case being Such that if these Governments do
1189 not lay these heavy burdens on themselves (under which, if they are not
1190 relieved, they must Sink) they must be much Sooner destroyed by their
1191 inhuman Enemys above said who are exceedingly Supported Spirited and
1192 advantaged by the abovesaid Crown Point Fort. The Commissioners being
1193 Sensible that it is as truly unreason able and Destructive to these
1194 Governments to Supply all the men and Money Necessary to defend his
1195 Majestys Subjects and interest in North america as it would be for a Small
1196 part of ye Nation to be at ye Expenche of Defending the whole There being
1197 diverse more wealthy and populous Governments than we are who have
1198 been and are

1199 defended by us and therefore in all reason ought to bear their proportion
1200 of the common defense both with men and Money.

1201 17. The above articles we agree to recommend to and in all proper ways
1202 to Endeavour they may be ratified by the Governments to which we
1203 respectively belong none of which Shall be obligatory on any of the three
1204 Governments but Such as Shall be ratified by all. In Testimony whereof
1205 we have Signed triplicates of these presents at ye City of New York this
1206 twenty Eighth day of September in the twenty first year of the Reign of
1207 our Sovereign Lord George the Second of Great Britain, France and
1208 Ireland King &c; Annoque Domini, one thousand Seven hundred and
1209 fourty Seven.⁷⁹

1210 The first Albany scheme for colonial union dates to 1750-51. Governor

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1211 George Clinton, in a circular letter of December 18, 1750 to all English
1212 colonial governors, invited the them to a congress at Albany to meet with
1213 the Six Nations at a major conference to be held in June 1751. On 13 April
1214 1751 Clinton renewed his proposal. He suggested that the commissioners
1215 draw up "a state of Indian Affairs to be laid before His Majesty" and also
1216 possibly a representation to the Governor General of Canada.⁸⁰ Clinton
1217 repeated his invitation in April when he invited specifically Governors
1218 Wentworth, Phips, Hamilton, Glen, Johnson, Ogle, Belcher, Wolcott, and
1219 the "President of Virginia."⁸¹ Discussion ensued over the proper meeting
1220 place. Glen favored a site in Virginia. Meanwhile, the various governors
1221 expressed disgust over the dilatoriness of the assemblies to take action.
1222 This political maneuvering delayed the opening of the conference. Most
1223 of the assemblies probably balked because Clinton had requested that
1224 each colony provide presents for the Indians at the conferences.⁸² By
1225 June, Clinton announced that governors of all the colonies, except Virginia
1226 which had not yet replied, approved an intercolonial convention on
1227 Amerindian policy.

1228 Meanwhile, French policy succeeded in igniting a war between the
1229 Iroquois and their traditional enemies, the Catawba nation. Thomas Lee,
1230 the acting Governor of Virginia, and Governor Glen of South Carolina laid
1231 the groundwork for a peace treaty to be held at Fredericksburg in the
1232 summer of 1751. Governor Hamilton of Pennsylvania agreed to attend
1233 this conference. Nonetheless, Clinton proceeded to arrange his
1234 conference, to be held at the same time. The Iroquois refused to go to F-
1235 redericksburg.⁸³ When the first Albany congress convened on July 6,
1236 1751, four colonies were represented: New York, Massachusetts,
1237 Connecticut, and South Carolina. William Bull and six Catawba Indians
1238 represented South Carolina. Also attending were the mayor and
1239 corporation of Albany and several officers of the Independent companies
1240 in New York. The meeting opened with a pledge "to renew the Covenant
1241 Chain, to cleanse away all Rust, to brighten it, and strengthen it so that
1242 it may forever endure" In reality, nothing decisive emerged from
1243 the conference. Clinton offered the unusual suggestion of sending
1244 missionaries among the Six Nations. The colonial emissaries met this
1245 suggestion with icy silence since the implementation of the suggestion
1246 required legislative funding.⁸⁴ The first Albany conference of 1751 did not
1247 result in any great improvement in Indian affairs. Most significant was
1248 that, for the first time, South Carolina was represented in a northern
1249 inter-colonial conference. Most colonial governors favored the idea of
1250 having some unified agency to deal with the Indians. In fact, the need to
1251 coordinate Indian policy was the primary reason for the general
1252 participation in the second and principal Albany Congress. Jonathan

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1253 Belcher, Governor of New Jersey, had heretofore never shown much
1254 interest in Indian affairs. However, Belcher indicated that "the Alliance
1255 and Friendship of the Six Nations and their Dependance on the Crown of
1256 Great Britain must by every thinking Man be looked upon as the greatest
1257 Security the Settlers on the Northern Boundary of this Province can have
1258 to prevent the Incursions of those Nations of Indians"85 For his part,
1259 Governor William Shirley expressed optimism for the outcome of an
1260 intercolonial Indian conference. "Such an Union of Councils," Shirley
1261 wrote, "besides the happy Effect it will probably have upon the Indians of
1262 the Six Nations, may lay a Foundation for a general one among all his
1263 Majesty's Colonies, for the mutual Support and Defence against the
1264 present dangerous Enterprizes of the French on every Side of them."⁸⁶

1265 Virginia began building fortifications on the Forks of Ohio in order to
1266 check this encroachment by the French and to protect the Indians in
1267 alliance with Great Britain. Virginia felt the costs incurred in fortification
1268 should be borne by all the colonies in proportion to the advantage they
1269 received.⁸⁷ Virginia felt justified in making this request because of what
1270 had been conveyed upon the colonies through the Earl of Holdernefs. The
1271 earl conveyed the sentiments of the king and council "that . . . all his
1272 provinces in America should be aiding and assisting each other [and] in
1273 case of invasion you should keep up . . . correspondence with all his
1274 Majesty's Governors . . . and in case you shall be informed . . . of any
1275 hostile attempts, you are . . . to assemble the general assembly within
1276 your government, and lay before them the necessity of a mutual
1277 assistance, and . . . grant such supplies as the exigency affairs may
1278 require."⁸⁸

1279 There was much dissension among the colonies regarding the prospect
1280 of assisting one another. Most colonies were struggling financially as it
1281 was and then the thought of having to raise funds was more than some
1282 representatives wanted to require of their constituents. Governors began
1283 addressing their assemblies, requesting aid and assistance be given to
1284 those colonies which were victims of French encroachment. The
1285 encroachment continued and the king directed the Governor of New York
1286 to hold an interview with the Six Nations, delivering presents to the
1287 Indians at Albany on 14 June 1754. The Lords Commissioners for Trade
1288 and Plantations wrote the governors of the colonies, informing them of
1289 this conference and requested that this information be considered by their
1290 respective assemblies and that they nominate Indian commissioners.
1291 They were also to appropriate money for proper gifts to present to the
1292 Indians. Most governors conveyed this message to their respective
1293 assemblies. The royal executives reiterated the importance of the

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1294 friendship between the colonies and the Indians, and nearly all made
1295 "presents to them at proper times. . . and by observing all our
1296 engagements with them.⁸⁹ Both the Council and House of Representatives
1297 of Boston were of the opinion that even though the number of French
1298 inhabitants on the continent at that time was considerably smaller than
1299 the English population, there were still other circumstances that could
1300 have given the French the advantage. The French basically had only one
1301 objective upon which their policy and military policies remained focused,
1302 whereas the English governments had different interests, were disunited
1303 and when not immediately affected seemed unconcerned about events
1304 taking place in their sister colonies. The French in North America were
1305 well supported by the Crown and treasury of France, whereas the English
1306 were obliged to carry on any defensive measures at their own expense.⁹⁰

1307 Most governors stressed the need for a union of all ten colonies and
1308 believed that the colonists were far superior to the French. However,
1309 unless properly articulated by a union among themselves "the colonies are
1310 in danger of being swallowed up by an enemy otherwise much smaller in
1311 strength and numbers."⁹¹

1312 Although the governors conveyed the idea of a union and stressed its
1313 importance, it was not always met with agreement by members of the
1314 Assemblies. The New Jersey Assembly made it quite clear to Governor
1315 Belcher that they were of the opinion that there was not yet a concerted
1316 effort on the parts of either the Maryland or Pennsylvania legislatures even
1317 though they were much nearer to the French forts. Further, they pointed
1318 out that New Jersey "had never been parties with the Five Nations and
1319 their Allies, nor have they benefited from Indian Trade."⁹²

1320 New Jersey's Assembly was not alone in its opposition to union. Two
1321 members from the Pennsylvania Assembly informed Governor Hamilton
1322 "that near one-half of the members are for various reasons, against
1323 granting any money for the King's use."⁹³ Hamilton was so distressed with
1324 the sentiments of his assembly that he wrote Governor DeLancey stating
1325 that he wished he could send the commissioners from his province under
1326 instructions that were agreeable to DeLancey's plan, but "from the
1327 particular views of some and ignorance and jealousy of others I have not
1328 been able to persuade them"⁹⁴ Benjamin Franklin wholeheartedly
1329 agreed with the governors that a plan of union was of the utmost
1330 importance and conveyed his sentiments in an editorial appearing in the
1331 *Pennsylvania Gazette*.⁹⁵ Franklin described the existing situation in the
1332 colonies, including attacks by the French and the Indians. He sent
1333 messages to Pennsylvania and Virginia, notifying them that the Six

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1334 Nations were recruiting warriors to fight the French before they fortified
1335 their gains. Franklin believed France's confidence was "well grounded on
1336 the present disunited State of the British Colonies, and the extreme
1337 difficulty of bringing so many different governments and assemblies to
1338 agree in any speedy and effectual measures for our common defense and
1339 security."⁹⁶ At the end of this editorial Franklin added what has become
1340 known as his motto -- "Join or Die" -- with a wood-cut of a disjointed
1341 snake, symbolic of the divided state of the colonies. Franklin wrote,

1342 The Confidence of the French in this Undertaking seems well grounded in
1343 the present disunited State of the British Colonies, and the extreme
1344 Difficulty of bringing so many different Governments and Assembles to
1345 agree in any speedy and effectual measures for our common defense and
1346 security; While our enemies have the very great advantage of being under
1347 one direction, with one council and one Purse. Hence, and from the great
1348 Distance of Britain, they presume that they may with Impunity violate the
1349 most solemn Treaties subsisting between the two Crownes, kills, fence and
1350 imprison our Traders, and confiscate their Effects at Pleasure, as they
1351 have done for several Years past -- murder and scalp our Farmers, with
1352 their Wives and Children, and take an early Possession of Such Parts of
1353 the British Territory as they find most convenient for them which if they
1354 are permitted to do, must end in the destruction of the British Interest,
1355 Trade and Plantations in American.⁹⁷

1356 The need for a plan of union could be attributed to the discontent that
1357 existed among the colonies. The Indian Nations had become angry and
1358 went to war against certain colonies when private traders had cheated
1359 them by getting them drunk, debauching their women and taking
1360 advantages of them through crooked land purchases. The French had
1361 gained an early with the Indian tribes through intermarriages with
1362 daughters of tribal landers and through trading. In the opinion of Franklin
1363 and others, Great Britain was in danger of losing its influence over the
1364 Indian Nations.

1365 By the spring of 1754 there were rumors that French troops were being
1366 moved to America and the winds of war were blowing strong. Sir William
1367 Johnson had argued the importance of Indian aid in a war with France,
1368 suggesting that the coming war might be lost without their help, or at
1369 least their neutrality. Northern political authorities had failed to secure the

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1370 required pledges of assistance from the Iroquois. In some quarters,
1371 pessimists discussed the possibility of their defection to the French cause.
1372 Against this background, the London Board of Trade supported the call for
1373 an intercolonial conference on Amerindian affairs, beginning with a
1374 conference with the Six Nations. The Albany Congress of 1754, already
1375 deep in the planning stage, was as good an instrument for the
1376 establishment of this policy as any. Thomas Pownall stated that the
1377 Iroquois were now at a stage where they were forming into a nation and
1378 therefore some "stateholder," who should be a man of great influence,
1379 should be appointed by the crown over the Iroquois. Pownall's paper was
1380 later forwarded to London with the proceedings of the Congress.⁹⁸

1381 The Albany Congress, a meeting of most of the English colonies, was
1382 held from June 19 to July 11, 1754. It was an intercolonial conference
1383 was held at Albany, New York. Present were 23 delegates from New York,
1384 Pennsylvania, New Hampshire, Connecticut, Massachusetts, Rhode Island,
1385 and Maryland, along with 150 members of the Iroquois Indian federation.
1386 The Albany Congress had been called by the English Board of Trade to
1387 deal with two pressing issues: grievances of the Iroquois against the
1388 colonies and the presence of hostile French forces and their Indian allies
1389 to the west of the English colonies. The Indians complained to the
1390 congress that land speculators were stealing their lands; that an illegal
1391 English-French trade was bypassing them, thus preventing them from
1392 acting as middlemen for profit; and that colonials were trading directly
1393 with other Indians supposedly under the rule of the Iroquois. Another
1394 Amerindian complaint was centered on the removal of Sir William Johnson
1395 from the management of their affairs. This had aroused a dangerous spirit
1396 of disaffection among the Indians. The congress had to placate the
1397 Iroquois, because they were needed as allies against the French. Gifts
1398 and promises were bestowed and the alliance renewed, but the Iroquois
1399 went away only half satisfied. The Indian phase of the Albany Congress
1400 lasted June 18-29. The Indians were pleased with the presents they
1401 received but demanded more effort of the English in establishing forts
1402 along the frontier as the price for their assistance against the French. A
1403 treaty was signed, mutually renewing the ancient friendship and for the
1404 first time recognizing the independence of the Iroquois.⁹⁹

1405 More serious was the French threat from the north. To meet it, the
1406 congress drew up a plan of colonial union. For the better defense of the
1407 colonies and control of Indian affairs many far-sighted colonial leaders had
1408 long felt that a closer union was needed. Thus far there were only
1409 occasional meetings of colonial governors or commissioners. Discussion
1410 of such a union now became one of the principal subjects of the congress.

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1411 Massachusetts had granted her delegates authority to "enter into articles
1412 of union . . . for the general defense of his majesty's subjects."

1413 Principally written by Benjamin Franklin, the plan provided for one
1414 general government for all the colonies to manage defense and Indian
1415 affairs, pass laws, and raise taxes. The Albany Plan provided for a
1416 voluntary union of the colonies with "one general government, each colony
1417 to retain its own separate existence and government." The chief
1418 executive was to be a president general appointed by the king of England.
1419 The legislature, or Grand Council, would consist of representatives
1420 appointed by the colonial legislatures. This federal government was given
1421 exclusive control of Indian affairs including the power to make peace and
1422 declare war, regulate Indian trade, purchase Indian lands for the crown,
1423 raise and pay soldiers, build forts, equip vessels, levy taxes and
1424 appropriate funds.

1425 The colonists could not agree on a proportioning the cost of erecting of
1426 certain forts to guard the northern frontier. Some colonies offered no
1427 assistance and watched and waited, while others were willing to defend
1428 their own frontier and those of others. Few, in any, colonies were willing
1429 to do more than their share. It was a belief shared by many that "unless
1430 there be a united and vigorous opposition of the English colonies to them,
1431 the French were "laying a solid foundation for being, some time or other,
1432 sole masters of this continent"100 A plan of union was necessary in
1433 order to maintain the territory they currently held. Many hoped a union
1434 would come out of the conference with the Six Indian Nations at Albany
1435 that was scheduled for 14 June 1754. The opening date of this conference
1436 was delayed until 19 June 1754 so that representatives from all the
1437 colonies could be present. As it was, Virginia and New Jersey both
1438 declined to send commissioners.

1439 It was on 24 June 1754 that the Albany Congress¹⁰¹ voted that a
1440 committee consisting of one representative of each of the colonial delega-
1441 tions be selected "to prepare and receive Plans or Schemes for the Union
1442 of the Colonies, and to digest them into one general plan for the
1443 inspection of this Board."¹⁰² The result was a "Plan of a proposed Union
1444 of the several Colonies of Massachusetts Bay, New Hampshire,
1445 Connecticut, Rhode Island, New York, New Jerseys, Pennsylvania,
1446 Maryland, Virginia, North Carolina, and South Carolina, for their mutual
1447 defence and security, and for extending the British Settlements in North
1448 America, " the precise title of the Albany Plan of Union.

1449 Franklin's memoirs indicated that there were several people who read

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1450 his various pamphlets, drafts and proposals before the Albany Congress
1451 began. Among these was doubtless his colleague, Proprietorial Secretary
1452 of Pennsylvania Richard Peters, who had earlier prepared a scheme which
1453 carried the title "A Plan for a General Union of the British Colonies of North
1454 America."¹⁰³ This provided for the organization of a "Union regiment" to
1455 be formed by the contribution of a company of one hundred men from
1456 each colony, to be supported by colonial excise taxes and commanded by
1457 officers appointed by the Crown; according to this project, likewise, there
1458 was to be not only a "Union Fund" but also a "Fort Fund"; it also visualized
1459 the grouping of the continental colonies into four unions for defensive
1460 purposes, based upon geographical and other considerations. In searching
1461 for light on other union proposals available for the Committee one must
1462 omit, it would seem, that by Thomas Pownall, who was not a
1463 commissioner and who only at the last session of the Congress submitted
1464 his "Considerations toward a General Plan of Measures for the Colonies."¹⁰⁴

1465 There remain to be considered two surviving plans of union that are so
1466 closely related that they may be considered as essentially one. That is,
1467 one is clearly an amended form of the other. The first is entitled "Plan of
1468 a proposed Union of the several Colonies of Massachusetts-Bay, New
1469 Hampshire, Connecticut, Rhode-Island, New York & New Jersey, for their
1470 mutual Defence, & Security, & for extending the British Settlements
1471 Northward & Westward of Said Colonies in North-America." It proposed
1472 that the colonies ask Parliament for enabling legislation, allowing the
1473 colonies to proceed with the plan. The president-general would serve
1474 simultaneously as governor of Massachusetts and would be commander
1475 of all troops under the council's control; and in case of his death the lieu-
1476 tenant-governor of the same colony would serve. There would be a
1477 treasurer to handle the organization's finances. The principal duty of the
1478 popularly elected council would regulation of the Indian trade and the
1479 negotiation of war, peace and treaties with the Amerindian tribes; and
1480 negotiate with the natives for all land purchases made beyond the bound-
1481 aries of the thirteen colonies. Council would also offer protection to all
1482 new settlements until they were brought under some more appropriate
1483 government. Each colony would retain its own militia and have exclusive
1484 power to order it within the colony.¹⁰⁵

1485 The second is the "Plan of a Proposed Union of The Several Colonies of
1486 Massachusetts-Bay, New Hampshire, Connecticut, Rhode Island, & New
1487 York, for their Mutual Defence & Security & for extending the British
1488 Settlements Northward & Westward of Said Colonys in North America."¹⁰⁶
1489 Outside of inconsequential differences in a clause or two, capitalization
1490 and spelling, the principal differences that distinguishes the two plans is

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1491 that in the first, New Jersey is included in the amendment of the text, and
1492 in the second, it is excluded. Unfortunately, one cannot be certain
1493 whether these two plans for a union of northern continental colonies
1494 existed at the time that the Committee on a Union was appointed. Thus,
1495 one does not know if either or both of these proposals was laid before the
1496 Albany Congress. The only sure and certain thing that can be said is that
1497 Franklin's "Short Hints" was written well before the Congress.¹⁰⁷

1498 By June 28 the Congress arrived at its first decision. It favored the
1499 Franklin project of union as a basis for the final scheme. Therefore, in
1500 reporting to the Congress, the Committee "presented short hints of a
1501 scheme for that purpose of which copies were taken by the Commissioners
1502 of the respective Provinces."¹⁰⁸ On June 29, according to the Journal of
1503 the proceedings of the Congress, "The details of a scheme for the Union
1504 of the Colonies were debated on, but came to no conclusion."¹⁰⁹

1505 Peters presented a plan that was totally ignored by the Congress and,
1506 thus, is not connected with its final proposals on a union. The two plans
1507 for a union of northern continental colonies have a most important relation
1508 to the adopted Albany Plan. In language and structure they are identical
1509 with it. There are two possibilities. One is that these two plans were
1510 drafted in the course of the proceedings of the work of the Committee on
1511 Colonial Union, or after its termination, and were a by-product, of the
1512 logical expansion by Franklin of his "Short Hints" in the direction of the
1513 finished Albany Union Plan finally adopted by the Congress. The other
1514 possibility is that at least one, and possibility both, of the plans existed
1515 prior to the time that the Committee began its work. Thus, at least one
1516 of the plans had to be digested by the group in welding various union
1517 proposals into a final harmonious scheme.

1518 There were perhaps other plans prepared for the attention of the
1519 Committee, but of these we have no knowledge. No mention was made
1520 in the Journal of the Congress of other plans of union that were considered
1521 by the Committee. The traditional view is that Benjamin Franklin, acting
1522 alone, was the master architect of the Albany Plan. After the Congress
1523 commenced works only a very few modifications in it were required, and
1524 these were the result of discussions in Committee. Some delegates may
1525 have carried in suggestions or requirements from their respective colonies.
1526 Franklin, for his part, at no time stated that the Albany Plan was really a
1527 composite thing, and seemed to imply that the Plan was entirely his own.
1528 Such modifications as the delegates offered at the Congress were made
1529 against Franklin's better judgment. Writing to his New York friend
1530 Cadwallader Colden on 14 July 1754, at the close of the Congress,

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1531 Franklin bragged, "The Commissioners agreed on a Plan of Union of 11
1532 Colonies . . . the same with that of which I sent you the Hints, some few
1533 Particulars excepted."¹¹⁰ In a letter to Peter Collinson, dated 29
1534 December, Franklin enclosed a copy of the famous "Motives," which he
1535 had drawn up in support of the Albany Plan, and with reference to the
1536 latter stated, "For tho' I projected the Plan and drew it, I was oblig'd to
1537 alter some Things contrary to my Judgment or should never have been
1538 able to carry it through."¹¹¹ Again in that part of his *Autobiography*,
1539 written as late as 1788, he referred to his own contribution to the Albany
1540 Congress.¹¹² "A Committee was then appointed, one member, from each
1541 colony, to consider the several plans and report. Mine happen'd to be
1542 preferr'd, and, with a few Amendments, was accordingly reported."¹¹³

1543 Thomas Hutchinson reinforced Franklin's own testimony. Writing many
1544 years later in his *Diary* about the work of the Congress, the Massachusetts
1545 Bay delegate said Franklin had prepared the text long before he had any
1546 contact with Hutchinson.¹¹⁴ In his *History of Massachusetts*, Hutchinson
1547 summarized "the capital parts of the plan." He wrote, "The plan for a
1548 general union was projected by Benjamin Franklin, Esq., one of the
1549 Commissioners from the province of Pensilvania, the heads where of he
1550 brought with him."¹¹⁵

1551 Whatever other plans of union may have survived, they were but a
1552 projection either of the final draft of the "Short Hints" or at least of an
1553 intermediate draft made by Franklin. Jared Sparks' edition of Franklin's
1554 work contained a document which referred to the introduction of a plan of
1555 union designed to encompass only the colonies lying north of
1556 Pennsylvania. "Another plan was proposed in the Convention, which
1557 included only New Hampshire, Massachusetts, Connecticut, Rhode Island,
1558 New York and New Jersey"¹¹⁶ Franklin in an early redraft of the
1559 "Short Hints," issued before Albany Congress, suggested the idea of a
1560 general union of all the continental colonies but Nova Scotia and Georgia.

1561 The Congress on 24 June created a committee to study the various
1562 proposals and to formulate one of its own, if it chose to do so. The
1563 committee was composed of Thomas Hutchinson of Massachusetts;
1564 Theodore Atkinson of New Hampshire; William Pitkin of Connecticut;
1565 Stephen Hopkins of Rhode Island; William Smith of New York; Benjamin
1566 Tasker of Maryland; and Franklin for Pennsylvania.¹¹⁷ Franklin noted that,
1567 in addition to his own plan, "several of the commissioners had form'd
1568 plans of the same kind A committee was then appointed . . . to
1569 consider the several plans and report."¹¹⁸ The Journal of the Congress
1570 clearly shows that when the Albany Congress voted to create a committee

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1571 "to prepare and receive Plans or Schemes for the Union of the Colonies,
1572 and to digest them into one general plan for the inspection of this
1573 Board."¹¹⁹

1574 Up until the evening of 29 June the Commissioners as a body engaged
1575 only in discussing the merits of the original Franklin plan. The Journal
1576 records for the afternoon of that day that, "The hints of a scheme for the
1577 Union of the Colonies were debated on, but came to no conclusion."¹²⁰
1578 The copies of "the short hints of a scheme," distributed the afternoon of
1579 the preceding day, still had the attention of the Congress. The Committee
1580 on the Union had as its single duty preparing a unified draft of union. On
1581 1 July the Congress determined to call upon the committee to prepare a
1582 second document, known as, "a representation of the present state of the
1583 Colonies." It then began to study "The Plan of Union of the Colonies,
1584 which, although debated, "the Board came to no resolves upon it."¹²¹

1585 One may be reasonably sure that if the two plans providing simply for
1586 a union of the more northern colonies stemmed, in language and form,
1587 from the Franklin drafting process, they must have come into existence
1588 sometime after July 1 and also after the debates that had already taken
1589 place in the Congress on June 29 and on July 1. Franklin either at Albany
1590 or soon after leaving that city, drew up the "Reasons and Motives on
1591 Which the Plan of Union was Formed."¹²² In the section entitled "Reasons
1592 against Partial Unions," Franklin wrote, "It was proposed by some of the
1593 Commissioners to form the colonies into two or three distinct unions; but
1594 for these reasons [that is, those thereupon given which are six in number]
1595 that proposal was dropped even by those who made it" ¹²³

1596 The Plan of Union proposed at Albany in 1754 was an attempt to
1597 confront two related problems. The first was the need for joint, united
1598 action by the colonies, not only in times of war but as a matter of normal
1599 political practice. The second was the need Franklin and the delegates to
1600 the Congress perceived to insert a third governmental entity between the
1601 individual colonies and the British government. The plan would have
1602 created the first American government. But the delegates to the
1603 conference in Albany did not have the power to adopt the Plan of Union,
1604 but only to propose it, both to Parliament and to each of the colonial
1605 governments. In the end, not a single colonial government approved of
1606 the scheme.

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1607

The Albany Plan

1608 The great plan for military union combined with a scheme to cooperate
 1609 on Amerindian policy was drawn up largely by Benjamin Franklin and
 1610 considered at the conference held at Albany, New York, between 19 June
 1611 and 10 July 1754. The home government had advised the colonists that
 1612 it preferred to have a new treaty concluded between the Iroquois Federa-
 1613 tion and the colonies in New England, New York, Maryland and
 1614 Pennsylvania. Franklin's plan had been completed before 17 March and
 1615 was formally laid before the delegates of the several states on 24 June.
 1616 It is likely that Thomas Hutchinson, representing Massachusetts, had
 1617 corresponded extensively with Franklin and had suggested some changes
 1618 in Franklin's original draft. As presented, only Nova Scotia and Georgia
 1619 were excluded from the union. The full text of Franklin's Plan of Union
 1620 appears below.

1621 It is proposed that humble application be made for an act of Parliament
 1622 of Great Britain, by virtue of which one general government may be
 1623 formed in America, including all the said colonies, within and under which
 1624 government each colony may retain its present constitution, except in the
 1625 particulars wherein a change may be directed by the said act, as hereafter
 1626 follows.

1627 That the said general government be administered by a
 1628 President-General, to be appointed and supported by the crown; and a
 1629 Grand Council, to be chosen by the representatives of the people of the
 1630 several Colonies met in their respective assemblies.

1631 That within [---] months after the passing such act, the House of
 1632 Representatives that happen to be sitting within that time, or that shall be
 1633 especially for that purpose convened, may and shall choose members for
 1634 the Grand Council, in the following proportion, that is to say,

1635	Massachusetts Bay	7
1636	New Hampshire	2
1637	Connecticut	5

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1638	Rhode Island	2
1639	New York	4
1640	New Jersey	3
1641	Pennsylvania	6
1642	Maryland	4
1643	Virginia	7
1644	North Carolina	4
1645	South Carolina	4
1646	Total	48



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1647 [3.] -who shall meet for the first time at the city of Philadelphia, being
 1648 called by the President-General as soon as conveniently may be after his
 1649 appointment.

1650 [4.] That there shall be a new election of the members of the Grand
 1651 Council every three years; and, on the death or

1652 resignation of any member, his place should be supplied by a new choice
 1653 at the next sitting of the Assembly of the Colony he represented.

1654 [5.] That after the first three years, when the proportion of money arising
 1655 out of each Colony to the general treasury can

1656 be known, the number of members to be chosen for each Colony shall,
 1657 from time to time, in all ensuing elections, be regulated by that
 1658 proportion, yet so as that the number to be chosen by any one Province
 1659 be not more than seven, nor less than two.

1660 [6.] That the Grand Council shall meet once in every year, and oftener if
 1661 occasion require, at such time and place as they shall adjourn to at the
 1662 last preceding meeting, or as they shall be called to meet at by the
 1663 President-General on any emergency; he having first obtained in writing
 1664 the consent of seven of the members to such call, and sent duly and

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1665 timely notice to the whole.

1666 [7.] That the Grand Council have power to choose their speaker; and shall
1667 neither be dissolved, prorogued, nor continued sitting longer than six
1668 weeks at one time, without their own consent or the special command of
1669 the crown.

1670 [8.] That the members of the Grand Council shall be allowed for their
1671 service 10 shillings per diem, during their session and journey to and from
1672 the place of meeting; 20 miles to be reckoned a day's journey.

1673 [9.] That the assent of the President-General be requisite to all acts of the
1674 Grand Council, and that it be his office and duty to cause them to be
1675 carried into execution.

1676 [10.] That the President-General, with the advice of the Grand Council,
1677 hold or direct all Indian treaties, in which the general interest of the
1678 Colonies may be concerned; and make peace or declare war with Indian
1679 nations.

1680 [11.] That they make such laws as they judge necessary for regulating all
1681 Indian trade.

1682 [12.] That they make all purchases from Indians, for the crown, of lands
1683 not now within the bounds of particular Colonies, or that shall not be
1684 within their bounds when some of them are reduced to more convenient
1685 dimensions.

1686 [13.] That they make new settlements on such purchases, by granting
1687 lands in the King's name, reserving a quitrent to the crown for the use of
1688 the general treasury.

1689 [14.] That they make laws for regulating and governing such new
1690 settlements, till the crown shall think fit to form them into particular
1691 governments.

1692 [15.] That they raise and pay soldiers and build forts for the defence of
1693 any of the Colonies, and equip vessels of force to guard the coasts and
1694 protect the trade on the ocean, lakes, or great rivers; but they shall not
1695 impress men in any Colony, without the consent of the Legislature.

1696 [16.] That for these purposes they have power to make laws, and lay and
1697 levy such general duties, imposts, or taxes as to them shall appear most

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1698 equal and just (considering the ability and other circumstances of the
1699 inhabitants in the several Colonies), and such as may be collected with the
1700 least inconvenience to the people; rather discouraging luxury, than loading
1701 industry with unnecessary burdens.

1702 [17.] That they may appoint a General Treasurer and Particular Treasurer
1703 in each government when necessary; and, from time to time, may order
1704 the sums in the treasuries of each government into the general treasury;
1705 or draw on them for special payments, as they find most convenient.

1706 [18.] Yet no money to issue but by joint orders of the President-General
1707 and Grand Council; except where sums have been appropriated to
1708 particular purposes, and the President-General is previously empowered
1709 by an act to draw such sums. [19.] That the general accounts shall be
1710 yearly settled and reported to the several Assemblies.

1711 [20.] That a quorum of the Grand Council, empowered to act with the
1712 President-General, do consist of twenty-five members; among whom there
1713 shall be one or more from a majority of the Colonies.

1714 [21.] That the laws made by them for the purposes aforesaid shall not be
1715 repugnant, but, as near as may be, agreeable to the laws of England, and
1716 shall be transmitted to the King in Council for approbation, as soon as may
1717 be after their passing; and if not disapproved within three years after
1718 presentation, to remain in force.

1719 [22.] That, in the case of the death of the President-General, the Speaker
1720 of the Grand Council for the time being shall succeed, and be vested with
1721 the same powers and authorities, to continue till the King's pleasure be
1722 known.

1723 [23.] That all military commission officers, whether for land or sea service,
1724 to act under this general constitution, shall be nominated by the
1725 President-General; but the approbation of the Grand Council is to be
1726 obtained, before they receive their commissions. And all civil officers to
1727 be nominated by the Grand Council, and to receive the President-General's
1728 approbation before they officiate.

1729 [24.] But, in case of vacancy by death or removal of any officer, civil or
1730 military, under this constitution, the Governor of the Province in which
1731 such vacancy happens may appoint, till the pleasure of the
1732 President-General and Grand Council can be known.

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1733 [25.] That the particular military as well as civil establishments in each
1734 Colony remain in their present state, the general constitution
1735 notwithstanding; and that on sudden emergencies any Colony may defend
1736 itself, and lay the accounts of

1737 expense.

1738 The proposals by certain of the Commissioners in favor of partial unions
1739 could have been made late in the proceedings of the Congress. At least
1740 one delegation came to Albany very definitely committed to the idea of
1741 two unions rather than one. The delegation of Massachusetts Bay,
1742 reporting to the Governor's Council on October 25, 1754, after their return
1743 to the Province, noted that,

1744 Your Commissioners were in doubt, whether it might not be convenient
1745 that the colonies should be divided into at least two Districts, as the great
1746 distance of the two Extream parts of his Majesty's Governments from each
1747 other, must render it always very burthensome to some or other of the
1748 members to give their attendance, be the place of meeting where it will
1749 and in a Government of so large an extent there will be danger of some
1750 parts being neglected or unequally considered; but as the designs of the
1751 French may probably require the united strength & Councils of the whole
1752 British Continent and as it seems to be of the last importance that all
1753 affairs Which relate to the Indians should be under but one direction, and
1754 considered without any special regard to any particular Government we
1755 were induced to prefer the present plan [that is, the Albany Plan of
1756 Union].¹²⁴

1757 The scheme of union designed to include only New Jersey, New York,
1758 and New England carried with it a proposal for another union to include all
1759 the southern colonies with the exception of Georgia.¹²⁵ It carried a second
1760 proposal, "That in the said General Union, The Ordering & Direction of the
1761 Affairs Yr of [thereof be administered by one President General, who shall
1762 be The Governour of The Province of the Massachusetts-Bay for The Time
1763 being, and a Grand Council to be chosen by the Representatives of the
1764 People of the Said Colonies met in their respective Assemblies."¹²⁶ It
1765 would appear that the Commissioners from Massachusetts Bay were

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1766 particularly interested in establishing a connection between the chief
1767 executive of the partial union and that of the Province. New York, Attorney
1768 General William Smith, a member of the Governor's Council, who attended
1769 the Albany Congress, reported to Governor DeLancey, "that Massachusetts
1770 acted with an aim to procure the President's chair for their Governor, and
1771 predicted, as he well might, that it would not be much encouraged by
1772 New-York."¹²⁷

1773 The only colony that was definitely clearly to the formation of a colonial
1774 union was Massachusetts Bay. The Assembly of the Province specifically
1775 called upon its Commissioners to work for "a general, firm & perpetual
1776 union & confederacy, for mutual assistance by men or money or both, in
1777 peace & in War."¹²⁸ And the provincial legislature dispatched the
1778 delegation from Massachusetts Bay to Albany with a definite, inflexible
1779 agenda.¹²⁹ In reviving a form of the old New England Confederation in the
1780 project of military union, Massachusetts so designed it as to include not
1781 only all of the New England colonies but the two rather weak colonies of
1782 New York and New Jersey. This act had the effect of redrawing the
1783 geographical limits of the old Dominion of New England. There were
1784 advantages to be gained by all the colonies by inclusion. In particular,
1785 New York would acquire the more than ample resources of men and
1786 money of the populous and highly prosperous colonies to its north and
1787 east. This would enable New York to defend its exposed frontiers. By
1788 showing such mutual advantage, Massachusetts hoped to overcome any
1789 natural reluctance of any one of them toward union.

1790 Although the Massachusetts Bay delegation came with a carefully
1791 formulated plan, any plan that it brought was doubtless modified, at least
1792 in details, after the author of it had obtained access to the Franklin "Short
1793 Hints," particularly with respect to the name of the Council. The union of
1794 the northern colonies was to be especially designed to add to the prestige
1795 of that Province. The other delegations thwarted those designs by voicing
1796 strong opposition to it. This would seem to identify the commissioners of
1797 the Massachusetts Bay with the "Plan of a proposed Union of the several
1798 Colonies of Massachusetts-Bay, New Hampshire, Connecticut,
1799 Rhode-Island, New York & New Jersey, for their mutual Defence, &
1800 Security, & for extending the British Settlements Northward & Westward
1801 of said Colonies in North-America," which set forth the very ideas that the
1802 Massachusetts Bay delegation stood for.

1803 This plan of union has been traditionally connected to Massachusetts
1804 Commissioner Thomas Hutchinson.¹³⁰ On the last page of the manuscript
1805 copy of this plan among the Trumbull Papers in the Connecticut State

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1806 Library is penned on the margin the notation in a hasty scrawl: "plan of
1807 Union opposed N. I."¹³¹ The governor of Massachusetts Bay attempted to
1808 create a project of union that Connecticut might be counted on to support.
1809 If and when that goal was attained, he may well have presented this
1810 revision of the revised New England plan for the consideration of the
1811 Committee of the Congress.¹³²

1812 The other scheme, the "Plan of a proposed Union of The Several
1813 Colonies of Massachusetts-Bay, New Hampshire, Connecticut, Rhode
1814 Island, & New York, for their Mutual Defence & Security & for extending
1815 the British Settlements Northward & Westward of Said Colonys in North
1816 America" would seem to represent a revision of the former unamended
1817 "Plan" by some delegate or delegates from one of the colonies other than
1818 Massachusetts Bay. It was probably also prepared after the
1819 Commissioners of the latter had arrived in Albany and had perhaps
1820 distributed their proposal.¹³³ In any event, the Province of Massachusetts
1821 Bay was the only colony in the spring of 1754 definitely committed by its
1822 Assembly to the idea of a colonial union, and the only colony that
1823 instructed the delegates to work for a permanent union or confederation.

1824 The second more limited plan of union, embracing but New England
1825 and New York, shows hostility to the idea of combining automatically the
1826 office of Governor of Massachusetts Bay with that of President General of
1827 the Union. Instead, it provided, "That The Said General Government be
1828 administered by one President General to be Chosen & Appointed by a
1829 Grand Council to be Chosen by the Representatives of The people of The
1830 Said Several Colonies met in their Respective Assemblies. . . " The Grand
1831 Council shall first meet, at such a time as shall be indicated by "The
1832 Governor of Boston," who would preside and "Lead The Members of The
1833 Grand Council To the Choice of a President General." The similarities
1834 include proportional representation on the Council, the payment of its
1835 members, its powers to make western settlements, as well as those that
1836 it would possess for raising and paying soldiers. The name of the
1837 legislature employed in all three of the plans is the "Grand Council." This
1838 plan made no reference whatsoever to any plan of union for the southern
1839 colonies.¹³⁴ The connection between the two plans is obvious; as is the
1840 connection of the two plans with the final draft of the Albany Plan; or, if
1841 not, that Franklin had prior access to the former plan before he completed
1842 his "Short Hints." As Professor Gipson pointed out, the surviving copy of
1843 the New England plan in the handwriting of Jonathan Trumbull (or
1844 Trumble) appears to show the influence of Franklin's "Short Hints." So
1845 also does the second New England plan, which was also in Trumbull's
1846 handwriting, and it was rather clearly based upon the first document. The

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1847 plan for a northern union was worked out independently before the
1848 Congress convened was modified, probably after it was brought to Albany
1849 and before the second New England plan took shape. However, the
1850 surviving amended copy of what was the original shows that, in the
1851 drafting of the latter, the authors lavished much care on the details of the
1852 proposals. That would fit in within the Gipson's theory that the person
1853 responsible for the original draft and other members of the Massachusetts
1854 Bay delegation took their assignment from the Assembly seriously.¹³⁵

1855 On July 2 the committee again considered and, after some debate, "the
1856 question was then put, whether the Board should proceed to form a plan
1857 of union of the Colonies to be established by Act of Parliament which
1858 passed in the affirmative."¹³⁶ Again on 4 July, the "Plan for a Union" was
1859 the subject of deliberations," but no resolves were made thereupon." On
1860 the following day debate continued without resolution. Other matters then
1861 diverted the attention of the Congress away from the plan for union. The
1862 matter was not again debated until the eighth. On the ninth the delegates
1863 agreed upon the plan in principle," and Mr. Franklin was desired to make
1864 a draught of it as now concluded upon."¹³⁷ On the day following the
1865 Congress approved the particulars by accepted the committee draft
1866 without significant debate or change. To what extent the project was
1867 modified at any stage after Franklin had redrafted is unknown. At some
1868 point the "Short Hints towards a Scheme for Uniting the Northern
1869 Colonies" disappeared in favor of the short title, "Plan of Union."
1870 However, a formal and much longer title emerged at some point. It was
1871 correctly called "A Plan of a proposed Union of the several Colonies of
1872 Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New
1873 York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and
1874 South Carolina, for their mutual defence and security, and for extending
1875 the British Settlements in North America."

1876 The final Albany Plan of Union may be accurately described as a
1877 composite plan, perhaps even a bundle on compromises. In the "Short
1878 Hints" Franklin favored a single union for all the colonies on the continent
1879 not under the special protection from the King. This union, to be perfectly
1880 legal, should rest on nothing less than an act of Parliament. It should also
1881 be made clear and put in legal language that this was an essentially
1882 permanent league, unlike the earlier New England associations. In his
1883 opinion the colonies ought not to be allowed to join or leave at will. A
1884 conservative and a loyalist during this period, Franklin believed in the
1885 concept of empire. Moreover, he conceived of the union being
1886 strengthened if by the Crown approved the appointment of its executive
1887 head. He also believed he was showing his loyalty by the giving of this

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1888 executive, as the king's agent, the right of veto. Once the congress
1889 adjourned, the commissioners were left with the task of presenting the
1890 proposed plan to their respective assemblies. The delegates at the Albany
1891 Congress could not agree unanimously on the content of the program.

1892 Franklin did not neglect the powers of the council. He created a
1893 powerful union legislative council that would possess the authority to tax
1894 and control an independent treasury. This was a most important point
1895 since it would give the union the resources to wage war without having to
1896 beg funds from the often reluctant and notoriously niggardly provincial
1897 legislatures. The appointment of a union treasurer for each colony in
1898 addition to a general union treasurer-therefore providing for a complete
1899 fiscal union system provided fiscal responsibility. The plan also provided
1900 for an annual settlement of the accounts of the Union government with the
1901 provincial assemblies. He gave the council great powers to levy directly
1902 upon the property of citizens of the colonies, and to possess its own
1903 armed forces, forts, and a navy. His union would also promote western
1904 settlement. He considered all of these features to be so fundamental and
1905 vital in nature that they were indispensable. Franklin had good reason to
1906 show pride for all his major original proposals had survived debate and
1907 had become the foundation of the Albany Plan of Union.

1908 The most eloquent statement which sums up the work of the Albany
1909 Congress and its two principals was provided by Professor Frothingham.
1910 In reference to the Albany Congress, he wrote that, "two political schools
1911 were about equally represented in the committee In Hutchinson it
1912 was the vision of a clear intellect distrusting the capacity and intelligence
1913 of the people. In Franklin, it was the insight of a philosopher . . .
1914 determined to labor for the liberties of his Country."¹³⁸

1915 The Albany Plan was rejected or simply not acted upon by the colonies.
1916 This plan for colonial union failed because of opposition from both the king
1917 and the colonies. Each party thought it granted the other too much
1918 power. The home government disapproved this plan because it was felt
1919 that it encroached on the royal prerogative. The colonies disapproved of
1920 it because it did not allow them sufficient independence. It was,
1921 nonetheless, a farsighted document which contained solutions that the
1922 colonies would draw upon in forming a union after independence was
1923 declared in 1776. It paved the way for the Stamp Act Congress of 1765
1924 and for the Continental Congress of 1774. And when, during the troubled
1925 days which followed, the need of a closer union was felt, there was a
1926 definite plan to serve as a guide in the deliberations of the representatives
1927 of the colonies.

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1928 The New Jersey Assembly and Connecticut showed antipathy toward
1929 the Albany Plan. Ultimately, the plan received unanimous rejection in the
1930 assemblies of Pennsylvania, Rhode Island, and Massachusetts Bay.¹³⁹
1931 Finally, Connecticut emphatically rejected the proposed plan. The
1932 Connecticut commissioners "objected to the proposed plan; and thought
1933 they were never answered or obviated. Therefore [they] never came into
1934 or gave consent to same."¹⁴⁰

1935 Connecticut set up a committee to review the plan. Some of the
1936 colony's objections had a royalist slant, that "his Majesty's interest is in
1937 great danger." The report continued, "His Majesty's subjects . . . are a
1938 very great body This power and strength being brought into one
1939 point . . . may in time be of dangerous consequence to his Majesty's
1940 interest." The committee also objected to granting the power to the
1941 council to appoint officers, noting that traditionally "our officers generally
1942 are chosen out of the best yeomen" of each colony. Because there were
1943 such officers "thus chosen and commissioned, freeholders' sons, the youth
1944 of the colony, have on all occasions, with great cheerfulness and alacrity,
1945 generally enlisted." Their motives had been altruistic. "Their country's
1946 good, not necessity, has led them to arms." They viewed the plan as a
1947 scheme to allow Americans to be sent abroad and under that condition
1948 "such youths would not enlist." Upon review, the committee rejected the
1949 plan, claiming it would "weaken and injure his Majesty's interests," and
1950 they found it "subversive of the just rights and privileges of his good and
1951 faithful subjects." The committee charged that the plan encompassed too
1952 great an area, an argument that would appear later among anti-federalists
1953 in opposition to the federal Constitution of 1787. "We think it
1954 impracticable that his Majesty's interest, and the good of his people,
1955 inhabiting so great a country, can, in any advantageous or tolerable
1956 manner, be considered." The committee also disliked the idea of granting
1957 the power to tax to the council.¹⁴¹ The Assembly accepted the report,
1958 adding nothing substantial to the reasoning offered by the committees.¹⁴²

1959 Despite a speech by Governor Belcher to New Jersey's Assembly urging
1960 the need for a plan of Union,¹⁴³ the Assembly rejected the Plan claiming
1961 "if carried into Practice, would affect our Constitution in its very vitals. .
1962 . ." ¹⁴⁴ If nothing else, all the Assemblies did seem to agree on one
1963 matter, that being the rejection of the Plan.

1964 Many colonists also had grave reservations about adopting the plan of
1965 unity as proposed. One such colonist was Dr. William Clarke of Boston
1966 who was so outraged by what was produced by the Albany Congress that
1967 he had to write to Benjamin Franklin, " . . . you and the rest of the

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1968 commissioners at Albany have shown yourselves, by the projected plan for
1969 an union, to be arrogant blockheads"145

1970 The position of New Jersey was one of disinterest, as stated by the
1971 Speaker of the Assembly. "This Colony bath not ever had anything to do
1972 with Indian Affairs out of its own limits, neither been partakers of the
1973 Benefit of their Trade." However, he promised, with or without any formal
1974 military alliance, if any Amerindian tribes "should make war upon any of
1975 our Neighbouring Colonies, this House will, as they have hitherto done,
1976 exert themselves to the utmost of their Abilities to assist His Majesty and
1977 his Subjects against their enemies."146

1978 The Lords Commissioners for Trade and Plantations rejected it claiming
1979 it was too democratic, thus withholding it from the king. The Lords may
1980 have been moved by another motivation. In a letter written by William
1981 Bollan, an agent from Massachusetts Bay Colony,147 to the Secretary of
1982 Massachusetts, Bollan wrote that it was intended, "by some persons of
1983 consequence, that the colonies should be governed like Ireland, keeping
1984 up a body of standing forces, with a military chest there . . . so as to put
1985 them on the same foot that Ireland stands by Poyning's act . . . , No act in
1986 Ireland can pass in their parliament there till it first be assented to by the
1987 king and privy council of England"148

1988 Among its supporters there was some initial optimism that the plan
1989 would be superimposed by Great Britain. Charles Thomson of
1990 Pennsylvania wrote concerning news of deliberation on the plan in
1991 England, "tis thought will soon be brought to bear, an event much to be
1992 desired, since it effectually will secure us from the insults of our haughty
1993 aspiring neighbors, the French, and make our security independent of the
1994 fickle humor of our Indian allies."149

1995 Franklin had several observations or the reasons for the failure of the
1996 plan and the consequences of that failure.

1997 On Reflection it now seems probable, that if the foregoing Plan or
1998 something like it had been adopted and carried into Execution, the
1999 subsequent Seperation of the Colonies from the Mother Country might not
2000 so soon have happened, nor the Mischiefs suffered on both sides have
2001 occured perhaps during another Century. For the Colonies, if so united,
2002 would have really been, as they then thought themselves, sufficient to
2003 their own Defence, and being trusted with it, as by the Plan, an Army from

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2004 Britain, for that purpose would have been unnecessary; The Pretences for
 2005 framing the Stamp-Act would then not have existed, nor the other Projects
 2006 for drawing a Revenue from America to Britain by Act of Parliament, which
 2007 were the Cause of the Breach & attended with such terrible Expense of
 2008 Blood and Treasure; so that the different Parts of the Empire might still
 2009 have remained in Peace and Union. But the Fate of this Plan was singular.
 2010 For then after many Days thorough Discussion of all its Parts in Congress
 2011 it was unanimously agreed to, and Copies ordered to be sent to the
 2012 Assembly of each Province for Concurrence, and one to the Ministry in
 2013 England for the Approbation of the Crown. The Crown disapproved it, as
 2014 having placed too much Weight in the Democratic Part of the Constitution;
 2015 and every Assembly as having allowed too much to Prerogative. So it was
 2016 totally rejected.¹⁵⁰

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2017 During the early years of the French and Indian War, attempts at
 2018 establishing colonial unity were frustrated by the existence of a series of
 2019 overlapping commands. The British government named Governor Clinton
 2020 of New York Captain-General and Commander in Chief of the militia, and
 2021 all the forces by sea and land, within the Colony of Connecticut, and of all
 2022 the forts and places of strength within the same."¹⁵¹ The government in
 2023 the spring of 1754 appointed Robert Dinwiddie, Lieutenant Governor of
 2024 Virginia to command the colonial operations against the French in the Ohio
 2025 Valley. The other northern colonies ignored his requests for contributions
 2026 in mere, money and material, to serve under "my Gen'l Officer." The Earl
 2027 of Holderness ordered two independent companies from New York to serve
 2028 in Dinwiddie's command. The two New York companies and a contingent
 2029 of North Carolina militia arrived too late to be of help in Washington's
 2030 initial encounter with the French. A militia company from South Carolina
 2031 appeared, but its commander, a Captain Mackay, who held a royal
 2032 commission, refused to take orders from a provincial colonel. Washington
 2033 had little choice but to assigned the South Carolina troops to guard the
 2034 stores in the rear.¹⁵²

2035 With war with France still a matter of skirmishes and intrigues, but not
 2036 as yet formally declared, the English government had to decide whether
 2037 to send material and men to the colonists. The French might easily
 2038 construe such support as an act of war. In the latter part of September
 2039 1754, the British cabinet decided to risk the displeasure of the French and
 2040 move boldly. It resolved to bolster their American defenses. Major
 2041 General Edward Braddock, a friend of the Duke of Cumberland, brought
 2042 two Irish regiments to America. In addition, Shirley and Pepperrell were

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2043 each to raise and command a regiment, with the crown bearing the
2044 expense.

2045 In 1754 the crown had appointed Maryland Governor Horatio Sharpe
2046 to serve as commander in chief of the combined militia forces, with the
2047 assignment to renew the attack against the French. Sharpe apparently
2048 owed his appointment to certain members of the British cabinet, namely,
2049 the Duke of Newcastle, Lord Chancellor Hardwicke, and the Earl of Holder-
2050 ness. Governor Sharpe's appointment as commander in chief was a
2051 matter of paper command, with no real powers accruing to him, and even
2052 those paper powers were short lived. The home government ordered the
2053 other colonial governors to correspond directly with Shirley and Pepperrell
2054 "upon every thing, relative to the Present Service."¹⁵³ On January 12,
2055 1755, Braddock superseded Governor Sharp.¹⁵⁴ Braddock commanded
2056 that all colonial troops in service be placed under the revised Mutiny Bill,
2057 making them liable to the same martial law and discipline, as the British
2058 Forces were. Although Braddock was commander in chief, in a sense
2059 there were two chief commanders, for William Shirley continued to
2060 organize the military force for the northern colonies. As nominal northern
2061 commander, Shirley had made advance plans for a concerted attack on
2062 the various French outposts. He exercised his authority by promoting
2063 William Johnson to the rank of major general and giving him the supreme
2064 command of the force he was then raising. Johnson had command of the
2065 militias of Massachusetts, New York, New Hampshire, Connecticut, and
2066 Rhode Island "For an Expedition against the French Incroachments at
2067 crown point and upon the Lake Champlain."¹⁵⁵ For his part, Braddock
2068 confirmed Shirley's orders without disputing his authority.

2069 Braddock's appointment had established the precedent of appointing
2070 a regular army officer of general rank to the overall command of all the
2071 military forces in the colonies. General officers as commanders-in-chief
2072 would continue until the Revolution. The powers of the commander in
2073 chief steadily encroached upon the governors' military powers within their
2074 own provinces. The British commanders-in-chief usually regarded the
2075 governors as a liaison officers between himself and the various provincial
2076 assemblies.¹⁵⁶ The commander-in-chief answered only to the home
2077 government. Hereafter, the colonial governors did not have military
2078 powers separate from the provincial councils.

2079 The Newcastle ministry, undermined and disheartened by the
2080 unexpected defeat of Braddock at the Battle of the Wilderness, decided in
2081 January 1756 to try once again to create a more unified military
2082 command. The Duke of Cumberland, with the full support of other

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2083 powerful Lords, recommended John Campbell, the fourth Earl of Loudoun
2084 to be commander-in-chief for the military forces in America. As
2085 commander-in-chief of all forces employed, or to be employed, in North
2086 America, Loudoun could command the assistance of all colonial governors
2087 and militia.

2088 William Shirley, upon the death of Braddock, was *de facto*
2089 commander-in-chief of the royal and colonial forces. But Shirley had long
2090 had to contend with the opposition organized by Lieutenant-governor
2091 James De Lancey, the latter's brother Oliver DeLancey and Thomas
2092 Pownall. These men, and perhaps others, made a maximum effort to
2093 have the Massachusetts Governor recalled. A sudden and wholly
2094 unexpected turn of events seemed to justify their criticism. Royal
2095 intelligence intercepted some letters written by someone in Pennsylvania
2096 under the pen-name of Pierre Fidele to the Duc de Mirepoix in France.
2097 These letters revealed Shirley's supposedly secret instructions dealing with
2098 military and Indian affairs. Some questioned Shirley's judgment, even his
2099 loyalty. Besides, he had a French wife. The Newcastle ministry had no
2100 choice but to replace Shirley as commander-in-chief without delay. Since
2101 Loudoun was delayed in his departure for America, the ministry sent
2102 General Daniel Webb and General James Abercromby to assume
2103 immediate command. For a few weeks Webb was acting
2104 commander-in-chief. Abercromby soon arrived and, as Webb's superior,
2105 assumed command. Loudoun did not reach New York until July 1756, at
2106 which time he assumed command as initially planned. In less than two
2107 months Americans had three commanders-in-chief.¹⁵⁷

2108 The whole system of provincial military command seemed to be on the
2109 verge of collapse. Shirley continued briefly in the governorship and used
2110 his efforts to raise troops from the New England colonies for an expedition
2111 against Crown Point, making these available for General Abercromby.
2112 Shirley also offered the opinion that troops raised in the Jerseys and North
2113 Carolina could be deployed anywhere in America at the discretion of the
2114 commander-in-chief.¹⁵⁸ The Royal Americans replaced Shirley's and
2115 Pepperrell's regiments.

2116 Loudoun soon experienced difficulties in dealing with the colonial
2117 authorities. The cabinet issued special orders that no provincial officer
2118 should rank higher than a senior captain in the regular army. This meant
2119 that the various well-known and popular colonial officers, such as William
2120 Johnson, John Bradstreet, George Washington, would be out-ranked by
2121 mere captains.¹⁵⁹ Virginia protested that her troops were considered as
2122 "Irregulars" and that provincial troops should be "regularly enlisted."¹⁶⁰

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2123 Massachusetts refused to cooperate with Loudoun on grounds that military
2124 powers of the colony derived from the governor's prerogative bestowed
2125 by the crown. Loudoun complained that a Massachusetts council of war
2126 took it upon itself to direct "the Motions of his Majesty's Troops."¹⁶¹

2127 Loudoun soon incurred the enmity of both colonial governors and
2128 populace. He threatened to force the colonial legislatures to keep up pay
2129 for the troops. His policies of quartering his troops in Virginia, Maryland,
2130 Pennsylvania, New York, and Massachusetts created popular resent-
2131 ment.¹⁶² Worst of all, he was a losing general. The French captured Fort
2132 William Henry on 9 August 1757, with the loss of 1400 men. He delayed
2133 the attack on the important French position at Louisbourg, giving as an
2134 excuse that his preparations were incomplete. Loudoun, censured and
2135 recalled, left America in disgrace.

2136 The Pitt ministry decided to create a more unified system of military
2137 command for the colonies. All provincial officers were elevated in rank so
2138 that their ranks corresponded to officers in the regular army. England
2139 would provide the colonies with sufficient munitions of war. Pitt promised
2140 that his ministry would recommend that Parliament reimburse the colonies
2141 for their supplies of men, clothes, and material. In short, the home
2142 government pledged to pay for a renewed war effort.¹⁶³ The ministry
2143 appointed Major General James Abercromby, over the preference of Pitt,
2144 to succeed Loudoun as commander-in-chief. At the same time Brigadier--
2145 general John Forbes was named commander of the Southern District,
2146 which included Pennsylvania, Virginia, Maryland and the Carolinas. Forbes
2147 was to cooperate with Abercromby and coordinate his campaign against
2148 the French in the west with the commander-in-chief.¹⁶⁴ The colonists
2149 seemed to be reluctant to recognize him as the supreme commander of
2150 the militias. In July 1758, Abercromby led an attack on Fort Ticonderoga.
2151 His frontal attack failed and Abercromby suffered over 1500 casualties,
2152 including 464 killed. As a result of the catastrophe, the cabinet recalled
2153 Abercromby to England, and appointed Sir Jeffrey Amherst to succeed
2154 him. Simultaneously, Pitt directed the colonial governors to work closely
2155 with the new commander-in-chief. Because of the Indian crises in the
2156 south, Amherst dispatched Brigadier General Monckton with 1300 troops
2157 to South Carolina. Pitt himself took command over the general direction
2158 and strategy of the colonial military campaign. Virginia, Maryland, and
2159 Pennsylvania refused to place their militia under Amherst's command.
2160 Ignoring the upstart colonials, Pitt decided to win the war with British
2161 troops alone.¹⁶⁵ At the end of the war, the home government promoted
2162 Amherst and chose Major-general Thomas Gage to succeed Amherst.

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2163 The home government decided to retain the new military organization
2164 indefinitely along with the office of supreme commander. In peacetime
2165 the principal concern was regulation of the Indian trade. The general in
2166 command was to have practically unlimited powers in Indian affairs. For
2167 decades the Amerindians had urged the British authorities to regulate the
2168 trade and license the traders. The commander-in-chief was authorized to
2169 supervise the Indian agents and commissaries and control and audit all
2170 expenditures. The military establishment which the cabinet created in
2171 1763 removed to a significant degree the competition among rival and
2172 competing centers of power in the field of military affairs.

2173 Beginning in October 1768, a series of reports on real and alleged
2174 British outrages committed in Boston began to appear in the *New York*
2175 *Journal* and the *Pennsylvania Chronicle*, and eventually, in *Boston Evening*
2176 *Post*, and finally, in pamphlet form under the title of *The Journal of the*
2177 *Times*. The authorship is unknown, but among those believed to have
2178 been collaborators were Benjamin Edes, publisher of the *Boston Evening*
2179 *Post*; Henry Knox, later a general in continental service, then proprietor
2180 of a bookstore; Sam Adams, a radical patriot; William Cooper, town clerk
2181 of Boston; William Greenleaf, an employee of Edes; and Isaiah Thomas,
2182 later publisher of the *Massachusetts Spy*.¹⁶⁶ The unknown authors
2183 advocated a union of the colonies as a way to avoid what many already
2184 thought was an inevitable war for independence. The first reason for a
2185 union was "the safety of the colonies." They admitted that "the right of
2186 taxation is the cause of the present controversy among them" with the
2187 colonies refusing to concede that power to Parliament. The anonymous
2188 authors charged that the Parliament demanded the power to tax
2189 specifically to "avoid" this "point of union." The British had decided to
2190 station, then quarter, troops in Boston to "change the sentiments of the
2191 people" with special reference to those "sentiments" which "were
2192 considered as strongly leading to such a union."¹⁶⁷

2193 Provincials and Regulars

2194 British officers had little, if any, regard for their provincial brethren,
2195 although many other foreign observers had nothing but the highest regard
2196 for the American militias. The English could counter that the others did
2197 not have to work with the provincials, but if they did, their opinions would
2198 change dramatically. The British officers in North America almost
2199 universally regarded Americans as cowards who were ill-disciplined, given
2200 to following individual preferences over the good of the whole body, and

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2201 more interested in enforcing their supposed legal rights than in carrying
2202 out their obligations to the Crown.

2203 A German professor contradicted the prevailing British view of the New
2204 England militia. "The provinces have their own militia, maintained at their
2205 own cost New England has the largest and best body of militia."¹⁶⁸
2206 One of the few sympathetic British officers noted the skill with which the
2207 New England militiamen handled their firearms. "Some Lads about 13, 14
2208 and 15 years old . . . can shoot a Bird flying with any man in this Province.
2209 This adds to the Martial Spirit which seems to run through the whole of the
2210 country people." He judged that many of these young sharpshooters
2211 would willingly join in an expedition against the French and their Amerindi-
2212 an allies.¹⁶⁹ A Boston correspondent of the *Public Advertiser* boasted that
2213 four thousand Massachusetts militia marched on Crown Point; two
2214 thousand prepared to attack Fort Niagara; and that twenty thousand
2215 more militiamen were available to defend the continent against the
2216 designs of the French. "This is a right martial spirit and seems to run
2217 through the whole of their country people."¹⁷⁰

2218 Sadly, most British observers generally found exactly the opposite to
2219 be true. Some argued that the militia spent too much time in training
2220 days at leisure and too little time learning military tactics and
2221 marksmanship. Orderly books of the period often show that British
2222 officers often remarked on their gross ignorance of basic maneuvers and
2223 their lack of comprehension of basic commands. When ordered to perform
2224 certain functions that the British army considered basic and fundamental
2225 to any army, the provincials responded that they could not follow the
2226 orders because they did not understand what was required of them.¹⁷¹

2227 One issue that divided colonial militias from their professional British
2228 brethren concerned the ranks granted to provincial officers. British *Rules*
2229 *and Articles of War* stipulated that when any provincial militia served with
2230 British regular troops, colonial officers regardless of grade, were
2231 subordinate to their British counterparts. Superior colonial officers were,
2232 at best, regarded as senior captains when serving with British troops.
2233 Hence a colonel, even a general, in the provincial militia was inferior in
2234 rank and command to the most junior major in the British army. In order
2235 for this rearrangement of rank to occur one had only to add one
2236 detachment of British army headed by an officer of the grade of major or
2237 above to a large body of militia; the actual number of British troops or
2238 militia had nothing to do with the situation.

2239 In 1756 acting British commander in chief for North American, and

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2240 governor of Massachusetts, Major-General William Shirley appointed
2241 Major-General John Winslow, one of the most distinguished and competent
2242 New England militia commanders of the pre-Revolutionary period, to
2243 recruit New England militia for a campaign into the French-held areas
2244 around Lake Champlain. Shirley thought to express confidence in his
2245 provincial charges, and to aid in the recruitment of militia, by appointing
2246 Winslow, a veteran of the Carthage Campaign in 1740 and of many
2247 campaigns during King George's War (1744-48). When John Campbell,
2248 Earl of Loudoun, arrived in America in July 1756¹⁷² he rescinded Shirley's
2249 orders and placed the militia and its officers in positions subordinate to the
2250 British regulars, thus effectively reducing Winslow in rank from major-
2251 general to ranking militia captain.¹⁷³

2252 A related issue involved the responsibility for command of the
2253 militiamen. As acting British commander in North America, following
2254 Braddock's death, Shirley had promised the New England militiamen that
2255 Winslow would be their commander.¹⁷⁴ The men regarded this as a
2256 contract between Shirley, acting for the English king, and themselves, and
2257 binding in both a legal and a moral sense. When Lord Loudoun and his
2258 second in command Major-General James Abercromby decided to place
2259 the militiamen under British command and British discipline, the men
2260 claimed breach of contract. To Loudoun and Abercromby this was a logical
2261 and natural move, and they certainly felt themselves immune to any
2262 contractual arrangement Shirley had made since they were now in
2263 sovereign command of all His Majesty's forces in North America. Since
2264 they regarded the provincials as unruly, contemptuous of discipline and ill-
2265 trained, and poorly prepared for war, they thought it their duty to bring
2266 them to a state of readiness equal to that expected of the British army
2267 and troops recruited from any location serving with that army. British
2268 command, in the minds of Loudoun and Abercromby, was far more
2269 professional and experienced than any provincial officers could possibly
2270 be. And, in their opinions, imposition of the British *Mutiny Act* and *Rules*
2271 *and Articles of War* were long overdue. Technically, the provincial laws
2272 were probably illegal, or at least superfluous, as the British laws concerned
2273 both the homeland and its provinces and Parliament had provided for no
2274 exceptions.

2275 The first official notice the colonial officials had that the British
2276 government intended to apply to Mutiny Act to their militias came in
2277 January 1755. Privy Council Secretary Robinson wrote to the governors
2278 of the several New England provinces informing them that Parliament had
2279 inserted a clause in the Mutiny Bill "enacting that all troops in America
2280 whilst in conjunction with British Forces under the command of an officer

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2281 bearing His Majesties immediate commission shall be liable to the same
2282 martial law and discipline as the British forces are."¹⁷⁵ To the colonials the
2283 question was less Parliament's power to make uniform laws and create
2284 regulations for the training and discipline of all troops, whether regular
2285 army or militia, than it was of contract. The colonials had enlisted for the
2286 expedition specifically on the premise that they would be commanded by
2287 their own officers and subjected to provincial mutiny and related acts.
2288 Shirley defended his actions as reasonable and traditional: reasonable in
2289 the sense of making more men enlist; and traditional in the sense that, on
2290 previous campaigns, militiamen had been subjected to their own
2291 provincial, not British military, law. Winslow argued, in support of Shirley,
2292 that his militia was neither unruly nor mutinous and provincial law was
2293 more than sufficient to maintain discipline. Indeed, in fulfillment of
2294 contract, the men would be more likely to obey their own laws than to
2295 obey the much harsher British law, with its emphasis on brutal discipline
2296 and more than occasional executions. But Loudoun and Abercromby were
2297 adamant. In this campaign the militia was going to do things according
2298 to the book, and the British officers were not about to capitulate to the
2299 whims and desires of their poor relations in the colonies.

2300 Winslow served as the provincial's advocate, arguing the provincial
2301 militias' case as strongly as he knew how. The men had enlisted under
2302 provincial law, in response to a provincial governor's call for provincial
2303 soldiers, in an army funded by the provincial governments. These men
2304 had made a covenant voluntarily, of their own free wills, and Winslow and
2305 other officers were "executors in trust" for the contractors. The army was
2306 a "properly organized body" under law only because the men had
2307 volunteered their services under a certain, definite and specific set of
2308 circumstances. If the current British commander changed the contract
2309 that had been legally made by his predecessor, the contract was altered
2310 and was thus null and void unless the consent of the other parties, the
2311 militiamen, was given. Winslow argued that the commander had no legal
2312 or moral right to alter a perfectly valid contract. If the commander
2313 insisted on having his way, the men could hold the contract to be invalid
2314 and were thus free to return to their own homes. Winslow added that the
2315 officers had likewise been deprived of their rights under the same contract
2316 and, unless they chose voluntarily to serve in inferior positions, their
2317 obligation to serve on the expedition was also terminated. But the officers
2318 had a moral duty to not resign until the issue of the disposition of their
2319 men had been resolved.¹⁷⁶

2320 Shirley sent Winslow's letter, along with a cover letter of his own, to
2321 Loudoun for a response. Loudoun was outraged, holding that Winslow had

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2322 knowingly and willingly disobeyed his orders. Loudoun looked at the
2323 problem from an entirely different perspective and this marks an
2324 important difference between provincials and the British officer corps. In
2325 Loudoun's opinion since it was Shirley who had negotiated the original
2326 contract, it fell to him, not Loudoun, to respond to Winslow. Moreover,
2327 Loudoun argued that any man who enlisted in a British cause of any sort,
2328 at anytime and at any level, implicitly agreed to serve, not a political sub-
2329 division of the empire, but the Crown. All men served to advance the
2330 king's cause and to protect his dominions. The king may command them
2331 as he sees fit and the men have no choice but to obey their sovereign.
2332 Provinces are dependencies of a sovereign state, and are not themselves
2333 sovereign, nor can they ever be, or ever act as, independent contractors.
2334 They are, and will always remain, agents of the sovereign state. Using the
2335 standard argument of the seventeenth and eighteenth centuries, Shirley
2336 reminded Winslow that sovereignty is not, and indeed cannot be, divided
2337 and so the provinces had no legal standing to dispute the Crown's best
2338 judgment. The king was the only legally constituted authority. The issue,
2339 then, was not contractual rights of the men, but of rightful and legal
2340 obedience to their king, the only legal authority. Disobedience to lawful
2341 orders and lawful authority was nothing short of insurrect, treason,
2342 rebellion, and sedition.¹⁷⁷

2343 Winslow was still unwilling to accept the change in conditions and legal
2344 standing of his militiamen that Loudoun required. He discussed it orally
2345 with Loudoun in early August. Neither was satisfied with the outcome of
2346 their meeting. Loudoun contented himself with extracting from Winslow,
2347 on his own behalf and on behalf of his militiamen, an oath of loyalty to the
2348 king, but agreed to defer, at least during the campaign at hand, from
2349 implementing his initial orders. He allowed Winslow to remain in nominal
2350 command of his troops for he knew that the campaign was lost without
2351 Winslow's militia. Winslow had won a technical victory, but knew that
2352 henceforth Loudoun would have his way and his orders would stand in
2353 future campaigns.

2354 At this low point Winslow found an unexpected ally in Thomas Fitch, the
2355 popularly elected governor of Connecticut. He understood the position of
2356 the provincials and championed their cause. And he understood and
2357 endorsed wholeheartedly Winslow's arguments. Fitch was more than
2358 willing to stand firm behind Winslow and the militia he commanded.

2359 As an aristocratic conservative, Loudoun had no use for the provincials'
2360 contractual arguments. To him Winslow was merely attempting to try to
2361 avoid his imposition of military order. It was not that he was incapable of

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2362 understanding the logic. On the contrary, he understood Winslow's
2363 arguments fully. To him these arguments simply represented lawyers'
2364 tricks and pointless exercises in rhetoric. The provincials succeeded in
2365 accomplishing nothing more than buttressing Loudoun's preconceived
2366 opinion that the colonists were a lazy, insubordinate, indolent, argumenta-
2367 tive, and mutinous lot.¹⁷⁸

2368 Still, the provincials had several trump cards to play. The legislatures
2369 were still sufficiently independent that they could, and often did, as in this
2370 incident, refuse to offer supplies for various expeditions. The process of
2371 procuring provisions was one of the more ponderous aspects of colonial
2372 administration. Annually, the legislatures set up committees of war which
2373 were a curious blend of private initiative and governmental
2374 interventionism. These committees procured such supplies, including
2375 arms and foodstuffs, as the legislature permitted by their funding by
2376 entering into contracts with various civilian suppliers. The committee then
2377 contracted with wagoners to haul the supplies to a central supply depot,
2378 and then to transport the same to the camp where the officers received
2379 the supplies. It was not until this last step was finished that the supplies
2380 came under military control. No commandant, provincial or British, could
2381 really do more than to make requests of the committees of war for what
2382 the provincial troops needed, for commanders had no real authority to
2383 exercise over them.

2384 The provincial legislatures could refuse to supply men, as Pennsylvania
2385 had done until the time of the French and Indian War. They could assist
2386 or impede the recruitment of volunteers and enlistments. The British tax
2387 system in the colonies effectively raised little money, often less than the
2388 cost of the collection. Most provincial financial support that the British
2389 government did get came from the colonial legislatures and here they
2390 acted more as independent agents offering a voluntary contribution than
2391 dependencies fulfilling a legal obligation to support the home government.
2392 The home government was usually displeased with the amount of money
2393 contributed and the length of time the provinces required to actually
2394 deliver their contributions, but it seems to have imposed no real penalties
2395 against the legislatures to bring them into conformity with its wishes. This
2396 certainly was not an ideal time for a servant of the Crown to get into a
2397 fight with the provinces over supplies, men and money.

2398 As a military man with a sense of the need for regular deliveries and
2399 distribution of supplies, Loudoun sought to compromise with the colonial
2400 authorities. He offered to purchase all the supplies that were immediately
2401 available at a standard rate and then to supply the provincial militiamen

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2402 with the same items that he gave his own men. The legislatures would
2403 then be free to supplement their own men with any items not on his list.
2404 Some colonial authorities thought this to be a trick for if the king supplied
2405 the militiamen they would have to yield to the king's discipline.

2406 The provinces seemed to have viewed this more as a power struggle
2407 between the commissioners of war, who, if the solution had been accepted
2408 would have had little to do, and Loudoun, than as a reasonable solution
2409 to a recurrent problem. They were also concerned that any
2410 reimbursements due the colonies from the home government would not
2411 be lost in the shuffling of papers among the several layers of authority.
2412 For their part, the enlisted men feared also coming under British control
2413 if they ate the king's bread; and they fully supported the contractual
2414 arguments of Winslow and Fitch, for, as mostly Puritans, they had been
2415 steeped in contractual arguments since birth. The commissioners of war
2416 had little difficulty convincing the legislatures of Massachusetts, Connecti-
2417 cut and New Hampshire to reject Loudoun's proposal.¹⁷⁹

2418 Loudoun also disliked the apparent provincial disregard for hierarchy
2419 and command. As a career soldier in the British army Loudoun had no
2420 respect for any challenge to authority. Others should do as he did, which
2421 was to give full, unquestioning and complete obedience to orders received
2422 from his superiors. The enlisted men formed the base of his hierarchical
2423 pyramid and they must never question any order, if only out of fear of
2424 punishment. The men must be made to fear their officers even more than
2425 the enemy's guns and bayonets. The provincial enlisted men were lower
2426 even than their British brethren, and the provincial officers were not much
2427 better. Provincial officers were disobedient, independent and, perhaps
2428 worst of all, concerned for the welfare of their men. They fraternized with
2429 the men and their offices depended upon their election by the men, rather
2430 than upon talent, origins, birth or financial ability to purchase offices. All
2431 of these things mitigated strongly against their ever functioning as the
2432 British officers did, or integrating themselves into the British military
2433 machine. The vocabulary of the various New England officials was wasted
2434 on Loudoun and his class. Why would he be at all interested in "the rights
2435 of soldiers" when all gentlemen knew enlisted men had no rights?

2436 Much of their behavior had to do with the fact that New England society
2437 was neither class-conscious nor hierarchical and it had no real experience
2438 with an established, professional military organization. The New England
2439 militia, as we have seen, was the only real line of defense in the colonies
2440 which had no standing armies. On the other side, Loudoun was the
2441 product of a society in which class had its privileges and success in the

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2442 professional military was based on class. The British militia was, at this
2443 time, at best a relatively insignificant adjunct to the standing army. Any
2444 officer who risked his own career, court-martial or fortune in defense of
2445 his men had to be harboring some ulterior motives or democratic designs.
2446 Only an American would think of his officers and government as
2447 entrepreneurs and the enlisted men as workers and a contractual
2448 obligation between the two. And, having admitted an employer to
2449 employee relationship, if only for the sake of argument, only an American
2450 would assume that there was some reciprocity involved in that contract,
2451 or paternalistic obligation of employer to one's employees.

2452 Against this background, and with continuing debate at a most
2453 inopportune time for the British commander, Loudoun had little choice but
2454 to back off. The main loser was Shirley, not Loudoun. To the minds of
2455 the colonists he had apparently broken his word to allow the provincials
2456 to fight under their own commanders and rules. In Loudoun's mind
2457 Shirley had undermined his orders, meaning legitimate authority, by
2458 patronizing of the colonists. Had Shirley not made the deal Loudoun
2459 would not have been stuck with trying to contradict and repudiate it.
2460 Shirley's actions had made the colonists all the more independence-
2461 minded and more likely to rebel against realistic military discipline in the
2462 future. Loudoun was a European officer forced to fight a war with a cast
2463 of Americans who knew nothing of civilized warfare. He deeply resented
2464 Shirley's laxity for he had to depend on the provincials because his best
2465 troops were already committed elsewhere and the role assigned to them
2466 was an important and integral part of the overall campaign.

2467 Loudoun never understood the American provincial mind, nor did ever
2468 intend to try. His job was not to understand but to coerce the recalcitrant
2469 New Englanders. To his mind, and those of most, if not all, his
2470 subordinates, it was high time to bring the Americans back into the fold.
2471 Shirley understood, if only because he had served for a quarter-century
2472 as governor of the most populous colony. He also wanted to understand
2473 his charges and that made him, arguably, the most successful and
2474 accomplished of the colonial governors.

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2475

Martial Law and Military Discipline

2476 Militia discipline was never as severe in the colonies as it was in the
2477 British army. In New England the emphasis was on correction rather than
2478 punishment. With typical Calvinist religious teachings as a background,
2479 New England's militia leaders thought that punishment would not make a
2480 good man better, so they saw little use to the application of the cat o'nine
2481 tails to man's bare back. Emphasis was on spiritual rehabilitation rather
2482 than corporal punishment. When a militia unit was faced with flagrant
2483 abuses, typically an officer would assemble the men and deliver a
2484 puritanical sermon on the dangers of leading a dissolute life-style and
2485 recommending that men correct their evil ways. There were exceptions
2486 to the emphasis on spiritual rebirth. Some crimes were so heinous that
2487 officers approved physical punishment for their performance. Fornication,
2488 adultery, blasphemy (which included profane and obscene language),
2489 homosexuality, bestiality, and indulgence in any "unnatural abuses"
2490 invited brutal discipline. Blasphemers could have a hole bored through
2491 their tongues with a red hot iron. One known case of attempted
2492 homosexual seduction brought symbolic, although not real, execution.
2493 The man who attempted to entice another into "unnatural acts" was
2494 beaten and driven from camp with a noose tied about his neck. The New
2495 England militiamen and officers were much shocked by the sinful behavior
2496 of others, thinking that officers should discourage fornication and
2497 swearing.

2498 After 1757 the New England militia was subject to their own provincial
2499 laws because in that year Lord Loudoun placed all New England men in
2500 arms under the *Rules and Articles of War* and the *British Mutiny Act*, thus
2501 subjecting them to a wholly different system of punishment and courts-
2502 martial. The awful punishments which New England militiamen had
2503 witnessed when they were inflicted on unfortunate British soldiers were
2504 now regular fare for the militiamen as well. Loudoun would have
2505 preferred placing the provincials under British law immediately upon his
2506 arrival in America, but found that practically he could not because his
2507 predecessor William Shirley had promised the colonists that they might
2508 fight under their own laws and according to their established customs.
2509 When Loudoun could finally implement British style discipline, he did so
2510 with a vengeance. He was undoubtedly looking hard for examples of
2511 provincial misbehavior precisely so that he could show that he meant to
2512 implement the English laws that were already well-established in the
2513 regular army.

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2514 Central executive control over all military forces had been well estab-
2515 lished in British law long before Loudoun's time. William Blackstone, the
2516 greater authority on English law, argued that the Lord Protector
2517 Cromwell's *Instrument of Government* of 1653 had established the
2518 principle of executive control of all militia. Likewise, Blackstone argued,
2519 both Charles I and Charles II of England had rightfully claimed control
2520 over the nation's militia. The king alone may command, discipline and
2521 order the militia, army and sea power, that is, "all the forces by sea and
2522 land, and of all forts and places of strength, ever was and is the
2523 undoubted right of his Majesty and his royal predecessors, kings and
2524 queens of England." Moreover, Blackstone argued, "both or either house
2525 of Parliament cannot nor ought to pretend to the same." Control of the
2526 militia is an executive, not a judicial, function. The principle was well
2527 established in the legislation governing the order and discipline of the
2528 militia, the Mutiny Act. Executive control of the militia "is immemorial"
2529 and can only be disputed "contrary to all reason and precedent" as
2530 Thomas Hobbes had argued a century earlier.¹⁸⁰ The king appoints all
2531 officers who then serve in his name, and they carry with their
2532 appointments the full color of his authority. No mere provincial law could
2533 interrupt this long-standing precedent.

2534 The Mutiny Act has interesting English historical roots in the
2535 seventeenth century. When William III of Orange assumed the throne,
2536 accompanied by his Dutch guards, he chose to send to Holland those
2537 troops he suspected of harboring loyalty to James II, under a treaty of
2538 alliance with "the United Colonies" dated 8 March 1689. Some 800 of
2539 those being deported arrived at Ipswich, accompanied by four cannon,
2540 declared James II to be the true king and that they were willing to die for
2541 him. Commons, in order to be able to punish these rebellious men,
2542 enacted a Bill to Punish Mutiny and Desertion, to be in force only for a
2543 limited time. The bill cleared the House of Lords and was granted royal
2544 assent on 3 April 1689. In this, its earliest form, the bill still granted
2545 certain protections, meaning that a subject upon becoming a soldier does
2546 not cease to have rights. "No man may be prejudged of life or limb, or
2547 subjected to any kind of punishment by martial law . . . in any manner
2548 than by the judgment of his peers."¹⁸¹

2549 Under George I, the Mutiny Act expressly applied to troops within the
2550 kingdom and in the colonies overseas. Lords objected that the act
2551 seemed to grant to the king the exclusive power to determine what acts
2552 in peace as well as in war were punishable by courts martial and in
2553 peacetime. George's response was to incorporate the Articles of War
2554 under the Mutiny Act, increasing both the number of crimes punishable in

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2555 peacetime and the severity of the penalties. In 1748 Lords declared that
2556 no person should suffer any punishment under the Articles of War in
2557 peacetime except as were noted expressly as punishable offenses under
2558 the Mutiny Act. Despite this legislative wrangling, as the Mutiny Act
2559 appeared in America, all persons who were subject to the Mutiny Act were
2560 also held to be subject to the Articles of War, and vice-versa, and thus
2561 could be punished for offenses under either act, even in peacetime.
2562 George I's Mutiny Act authorized the summoning of courts martial for any
2563 of a long catalogue of offenses, with punishment to include whipping and
2564 execution. This was the first authorization of capital punishment in the
2565 army in peacetime, although offenses that might be punished by forfeiture
2566 of life in civilian life, such as murder, carried that potential punishment but
2567 it was imposed heretofore in the civilian not in the military courts.¹⁸²

2568 The crime of desertion in wartime had long been punished by
2569 execution, but the Mutiny Act extended capital punishment to desertion in
2570 peacetime. Another capital crime was refusal to obey an order from a
2571 superior officer, without any restriction placed upon the legality of the
2572 order. Between 1718 and 1749 the language of the law provided for
2573 obedience to "lawful commands," although the few cases of record show
2574 preference was universally given to the word of the officer issuing the
2575 order. The principle of law was clear: "no soldier may judge the danger,
2576 propriety, expediency, or consequence of the order he receives; he must
2577 obey." The crown was most anxious, however, to allow it to offer
2578 extensive physical punishment, usually whipping, in place of execution.
2579 Lords especially opposed granting the crown the power to override courts
2580 martial and extend clemency, preferring to have the board that held the
2581 hearing and knew all facts in the case be the final judge of punishment.¹⁸³

2582 In the British army and in most other militias discipline was enforced
2583 against obvious abuses which no military would permit, such as desertion,
2584 desertion in the face of the enemy, sleeping on watch duty, giving false
2585 alarm of enemy action, disobedience to a lawful order, striking an officer
2586 and theft of company property. Theft of civilian property, gambling, and
2587 rape were among the acts which the army would not tolerate. Conversely,
2588 the British army, and the militias of states south of New England, rarely
2589 punished adultery, fornication or blasphemy, and swearing.

2590 It is a well established principle of law that courts martial must
2591 distinguish between those offenses that are purely military, and thus
2592 within the provenance of military tribunals, and those which are civil and
2593 political, and thus are properly the jurisdiction of civil courts. Lord
2594 Loughsborough commented on this point. "All the delinquencies of

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2595 soldiers are not triable by courts-martial, but where they are ordinary
2596 offenses against the civil peace they are triable by the common law
2597 courts." He pointed out that even treason committed by the soldiers in
2598 England against William III were tried by common law courts.¹⁸⁴
2599 Nonetheless, under the Mutiny Act, such non-military offenses as
2600 immoralities, misbehavior, disgraceful conduct, swearing and denying
2601 some religious tenet, have been tried by the military. Courts martial
2602 commonly tried soldiers for all offenses committed against the person,
2603 estate or property of any subject. Technically, the Mutiny Act applied only
2604 to offenses soldiers committed in their military capacity, but the theory
2605 was far removed from practice.

2606 In his excellent study of the New England militia during the Seven
2607 Years' War, Fred Anderson recorded twenty incidents of mutinous behavior
2608 by provincial troops between 5 July 1755 and 13 November 1759. Of
2609 these, five might be considered serious cases of desertion or riot, and all
2610 occurred before the full imposition of the British Mutiny Act upon the
2611 Americans, that is, during the time that the officers and men had delayed
2612 Loudoun's orders and while the discipline was still covered by the
2613 provincial laws. In the other cases, men had refused to carry out special,
2614 additional duties unless granted additional pay. Still, under the British
2615 Mutiny Act they might have been severely whipped, shot, or hanged for
2616 refusing to carry out a lawful order, irrespective of their reasons. Such
2617 had been the case for many unfortunate regular soldiers. The principal
2618 difference between New England and British discipline lay in the severity
2619 of sentences administered.

2620 There were two levels of courts-martial which could be held,
2621 corresponding to the different levels of authority. Regimental courts-
2622 martial exercised jurisdiction over relatively minor matters, such as
2623 neglect of duty or minor cases of theft. Proceedings here were convened
2624 by the commanding officer, ordinarily a colonel or lieutenant-colonel, and
2625 consisted of a captain and three or four lieutenants or ensigns. Their
2626 authority extended to whipping and other corporal punishment. In an
2627 army which had, on occasion, assigned as many as 900 to 1200 lashes of
2628 the whip, regimental courts-martial usually gave out less than 200, and
2629 more likely, less than 50 lashes. A general court-martial was convened
2630 at the command of a general and was comprised of a colonel and as many
2631 as 14 other officers, usually ranking captain or above. These proceedings
2632 covered major infractions, such as striking a superior officer; refusing to
2633 obey his commands, especially in battle; desertion and cowardice in the
2634 face of the enemy; or murder or major incident of theft. General courts-
2635 martial rarely imposed sentences of less than 300 lashes of the cat o'nine

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2636 tails and could impose the death sentence. Rarely was a man found not
2637 guilty, there were no appeals, and sentences were imposed almost
2638 immediately after pronouncement.¹⁸⁵

2639 English criminal law generally, and martial law specifically, was based
2640 on three principles: justice, terror, and mercy. In the English-speaking
2641 world the law assumes a life of its own, reigning above all other consider-
2642 ations and factors. Based on human understanding of divine law, English
2643 law has the characteristic of immutability. Justice requires that the law be
2644 universally applied to all by a constant and perpetual will. At least
2645 theoretically, the same penalties and punishments must be made to apply
2646 to all men irrespective of class or position. Judges, steeped in the majesty
2647 of the law, spoke with the voice of God. The criminal stood naked and
2648 helpless before the law. His was the role of the tragic actor, the center of
2649 a great melodrama while being able to do anything for himself to better
2650 his role.¹⁸⁶

2651 The military represented class interests well, in apparent defiance of
2652 the principle of universality. Officers were never flogged or made to ride
2653 the wooden horse. If an officer was executed, it would be unlikely that he
2654 would be subjected to any public humiliation before the enlisted men.
2655 Crimes that brought severe punishment for enlisted men would more likely
2656 bring censure, demotion, or forced retirement among the officer class.
2657 But this was understood, even if it seemed unfair. In New England most
2658 officers associated freely with their men. Strong fraternal bonds were
2659 commonplace if only because New England militiamen generally elected
2660 their own officers, and elections were as much a recognition of popularity
2661 as of competence. After 1757 the system faced a crisis for Loudoun's
2662 unification of military and militia-volunteer standards worked only when
2663 there was an unbridgeable gao between enlisted men and officers, yet the
2664 militiamen thought it their absolute right to continue to elect their officers.

2665 In the military, flogging and whipping, being forced to run the gauntlet,
2666 confinement in the stocks, branding, and other physical mutilation and
2667 being shackled were among the punishments permitted to local militia
2668 companies, with virtually no right of appeal to any higher authority.¹⁸⁷ The
2669 higher level of courts-martial could inflict even more terrifying
2670 punishments, including capital punishment almost at will. Whatever his
2671 punishment, the accused man would suffer it in front of his peers. He was
2672 to be the example to all others that, if they wished to avoid his awful
2673 plight, they must avoid making his mistakes or committing his sins. The
2674 impact of seeing a man fall from the gallows or being shot (and thus be
2675 sent to his maker and final judge) was designed to strike terror in the

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2676 hearts of all enlisted men. Perhaps even more sickening was seeing a
2677 man whipped, even unto death. The British officer corps was dedicated
2678 to the proposition that their men must be forced to obey their orders in
2679 combat, no matter how absurd the orders, only if it was because they
2680 feared the officers more than they feared the enemy.

2681 Physicians or military surgeons often, but certainly not always,
2682 attended the imposition of physical punishment. They were officers, and
2683 with typical class consciousness, rarely sympathized with the men. One
2684 of their principal obligations lay in keeping a man sensible while he was
2685 being whipped. The surgeons might use a stimulant to revive a man who
2686 had fainted. It did not take long for a man being struck simultaneously by
2687 the nine strands of the whip to have his flesh stripped from his entire
2688 back. Still, he could expect no greater mercy from the physician in
2689 attendance than from other members of the officer corps. It was a rare
2690 instance when the application lash was stayed before sentence had been
2691 carried out.

2692 The law had the power to offer mercy. Reprieves and pardon were
2693 possible. The law could, if it chose, delay, mitigate, even forgive the
2694 harsh sentence. Many regarded the extension of mercy as a sign of
2695 inherent goodness in the state. One always had hope that, even on the
2696 gallows or before the whipping post, one might be excused from the
2697 punishment. On occasion, a punishment was carried out symbolically. For
2698 example, as we have seen in the provincial militias, a man condemned to
2699 the gallows might have a noose tied about his neck and then be drummed
2700 out of camp instead of actually being executed.¹⁸⁸

2701 New England militia officers found their own way of following the
2702 dictates of conscience and religion while nominally accepting Loudoun's
2703 orders. The easiest way to practice justice was to consider the
2704 punishment that the officers thought truly fitted the crime and then
2705 charging the evildoer with a crime that carried that punishment. It
2706 became a sort of game, one in which the officers' sense of Christian ethic
2707 and morality set the rules. Thus, if an enlisted man fell asleep on duty,
2708 a capital crime under British law, he might be charged only with neglect
2709 of duty, which brought only physical punishment. Even with this, many
2710 officers thought that the least punishments required under the Mutiny Act
2711 were still too great.

2712 Most New England colonial rules, like those used in Massachusetts,
2713 allowed the imposition of no more than thirty-nine lashes, whereas even
2714 minor infractions, as we have seen under British rules, brought perhaps

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2715 one or two hundred lashes. A well circulated pamphlet, allegedly authored
2716 by a "prominent clergyman," argued that Deuteronomy¹⁸⁹ limited corporal
2717 punishment to forty strokes and that to ensure one did not violate God's
2718 law, one ought to remit one stroke. This anonymous author reasoned that
2719 God had placed this limitation "lest their brother should seem vile unto
2720 them, even as if he was a dog." If a number of strokes in excess of forty
2721 was offensive to God, how must one interpret the imposition of "1000 or
2722 1500 lashes?" The preacher noted that he personally knew of men who
2723 committed suicide or who had begged for death rather than yield to a vast
2724 number of lashes of the whip. "When such punishments are decreed as
2725 threaten life," the man of God wrote, "the Sixth Commandment is broken
2726 and all concerned are guilty of killing the victim, tho' he should not die
2727 under the operation." He lamented that God's law "with regard to
2728 whipping" was "religiously observed by the civil authority" was violated in
2729 large scale by the military who relied upon the argument of necessity of
2730 maintenance of discipline. But that argument in support of "military
2731 cruelties" failed because it is "always necessary to keep God's laws" and
2732 necessity "can never be introduced to break them."¹⁹⁰

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2733 On 13 May 1755, the British authorities at Fort Cumberland, Maryland,
2734 convened a court martial against three soldiers of the 48th Regiment,
2735 James Fitzgerald, James Hughes, and Thomas Connelly, for having stolen
2736 a jug of beer. The officers imposed 900 lashes on Connelly and 800 each
2737 on Fitzgerald and Hughes, to be imposed at the rate of 300 lashes per day
2738 until punishment was complete. Sentence was passed on 14 May and
2739 punishment commenced on 15 May just outside the fort. Reaction among
2740 the local inhabitants and provincial militiamen ranged from disgust to
2741 outrage to anger.¹⁹¹

2742 During the time between the Seven Years War and the Revolution the
2743 use of corporal punishment was a major issue among the people of New
2744 England. They objected both to its severity and its continuance in
2745 peacetime.¹⁹² The *Boston Evening Post* made many references to the
2746 harshness of whipping, both of provincial militia and the regular British
2747 soldiers stationed there. On 14 October one Rogers, "a New England
2748 man" was condemned to receive a thousand lashes at the hands of a black
2749 drummer. The *Evening Post* editorialized that the spectacle of Rogers
2750 being whipped was "shocking to humanity" even though he received "only
2751 170 lashes" on that occasion. It quoted one observer as judging that
2752 "only 40" of the strokes were laid on as hard as the typical stroke he had
2753 seen when men had received 500 lashes in one session in other
2754 regiments. It seemed as outraged at the indignity of having a black
2755 drummer apply the whip as the fact that the man had been sentenced to

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2756 receive a thousand strokes.¹⁹³

2757 In December 1768 in Winchester, Massachusetts, after a British
2758 sergeant of the Fourteenth Regiment had received one hundred and ninety
2759 lashes, the surgeon warned that if he suffered more he would surely die.
2760 He was released and carried to the guard house "where having languished
2761 a few days, his back began to mortify, and the mortification soon reaching
2762 his kidneys, he died delirious." The coroner held an inquest and chose to
2763 indict the officer for willful murder. The officer escaped punishment,
2764 having claimed that he had acted within the scope of the Mutiny Act.¹⁹⁴

2765 In February 1769 a black drummer was sentenced to receive one
2766 hundred and fifty lashes for the offense of having "adventured to beat
2767 time at a concert of music given at the Manufactory House." He passed
2768 out at the hundredth stroke and the remainder was remitted. This
2769 whipping was only one of many administered in the winter of 1768-69.¹⁹⁵
2770 It was abundantly obvious that the people of Boston, not accustomed to
2771 seeing such levels of physical punishment imposed, were outraged by the
2772 British system of military discipline. Doubtless, they were moved by
2773 charity and humanitarianism, and by a generalized moral outrage, but
2774 they probably thought also that, when war came again, it would be their
2775 sons and brothers who would receive the same levels of whippings.

2776 In Boston on 31 October 1768 the first soldier in memory was executed
2777 in peacetime for having deserted his post. Richard Ames [or Arnes] had
2778 taken refuge among the tradesmen of a town just outside the city where
2779 the king's men in disguise located him. He was court-martialed and
2780 sentenced to death. To the Americans, the temptation, let alone the
2781 opportunity, for desertion would not have existed had not the English
2782 stationed troops in the homes of the local citizenry.¹⁹⁶

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2783

Roles of the Militia

2784 The New England colonies maintained a politically stable militia system
2785 during the pre-Revolutionary War years. There was virtually no standing
2786 army but all the provincial governments were able to provide large
2787 numbers of militiamen when and where they were needed simply by
2788 drafting them out of the town militias. The New England colonies lost
2789 some territory and many men during the last quarter of the seventeenth
2790 century, but the political authorities never lost administrative control.

2791 Each town effectively became an advanced military base from which
2792 the provincials could maintain a defensive posture or launch an attack on
2793 the enemy aborigine. New England towns had a military organization that
2794 was sustained and implemented locally with a minimum of outside
2795 interference. One authority argued that the relatively loose and decentral-
2796 ized control that the provincial officers maintained in New England towns
2797 was a principal cause of the maintenance of political cohesion by the
2798 legislature and governors.¹⁹⁷ Most towns had sufficient supplies in the
2799 community store houses to support the local militia and quite a few other
2800 militiamen for at least a short time. Other towns could draw on similar
2801 supplies to sustain the war effort. In King Philip's War the aborigine were
2802 defeated more by shortages of supplies than by acts of war.

2803 New England militia often supplemented the ordinarily and common
2804 civil authorities, such as the sheriffs, police and town patrol or watch units.
2805 During the British occupation of Boston with the king's troops a series of
2806 clashes occurred between militia and civil authorities on the one side and
2807 the British forces operating as military conservators of the peace, on the
2808 other side. The *Boston Evening Post* editorialized that so great were the
2809 offenses of the military conservators that in Boston there had been "a late
2810 vote of council of this town calling upon the inhabitants to provide
2811 themselves with arms for their defence." It thought that this was "a
2812 measure as prudent as it was legal" because "it is a natural right which the
2813 people have reserved to themselves, conformed by the [English] Bill of
2814 Rights, to keep arms for their own defence."¹⁹⁸

2815 New England militia seldom went into actual battle as whole units,
2816 although they engaged in skirmishes and pursued marauding Indian war
2817 parties as whole units. Men were selected for their particular skills in
2818 tracking, sensing danger, marksmanship, and other useful military skills
2819 and then especially trained to become frontier rangers. The general

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2820 political authority raised and paid for special combat forces in times of
2821 trouble, using the general militia as a reservoir of supply for these
2822 volunteers. These select militiamen were the voluntary and democratic
2823 counterpart of the Anglo-Saxon select fyrd. The latter usually had no
2824 choice but to accept the additional training that separated them from the
2825 general (or great) fyrd, the militia comprised of all able-bodied males.
2826 Whether for principle or pay, the long term and mobile New England
2827 militia volunteered to serve in these select militia forces. The volunteer
2828 element also removed from concern one potential problem, that being the
2829 question of whether the general militia could be deployed outside their
2830 home counties or colony.

2831 Serving in a regiment did not excuse a man from guard duty, for within
2832 a regiment, there were five distinct types of guard duty on which a man
2833 might have to serve. In a **quarter guard** a regiment provided its own
2834 police, usually with a subaltern, drummer and as many as forty men.
2835 They patrolled the perimeter at night and held prisoners awaiting courts-
2836 martial or punishment. The **provost guard** provided additional police
2837 functions via detachment of forty-five men under a subaltern. It carried
2838 out punishment, including executions. The **piquet guard** was composed
2839 of a captain, two subalterns and as many as 50 men. It was designed to
2840 hold a line upon attack until the whole regiment could form. The **main**
2841 **guard** was the company-size force which provided external security for
2842 the whole camp and consisted of a company drawn from the entire body
2843 of men on a rotational basis. Officers of the rank of general were entitled
2844 to a personal guard, which varied by rank. A lieutenant-general had
2845 thirty-three guards; a major-general, twenty-three; and a brigadier-
2846 general, fifteen.¹⁹⁹ Typically, as many as a quarter of the men assigned
2847 to a regiment or camp might be assigned to guard duty; or, a man might
2848 expect to serve on guard duty every fourth day.

2849 There was a fundamental difference between the British regulars and
2850 the American militiamen regarding camp life. The American militia viewed
2851 the camp as a temporary aberration, a place to stay away from home,
2852 having no permanence. They did only the bare minimum required to stay
2853 for a brief period. There was no question that, no matter how fine military
2854 quarters might be, the men would gladly trade them at any point for their
2855 own homes. English soldiers, from both personal desire and because they
2856 were driven by brutal discipline, made the camp as perfect as possible.
2857 They cleared stumps, set drainage and permanent latrines, levelled the
2858 land if at all possible, and then set their camps according to a pre-
2859 arranged plan, and with a definite sense of order. To those men, the army
2860 was a way of life and the camp was as close to a permanent home as they

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2861 were likely to come, for most had been impressed or enlisted for life. To
2862 the British troops, the militiamen were a disorderly group possessed of no
2863 pride of accomplishment. To the Americans, the English fetish for camp
2864 orderliness was the result of the officers' insistence on discipline for its
2865 own sake and decision to make the men work to keep them from
2866 mischief.²⁰⁰

2867 Illness and malnutrition were the two great enemies of all in the field
2868 on military assignments. The standard diet of the enlisted men was
2869 adequate to maintain health and normal activity. The diet, by standards
2870 of the time, were reasonably well balanced. Problems occurred when food
2871 was not supplied as the manual required or when men were assigned to
2872 especially arduous tasks, such as felling trees, building roads, forts or
2873 bridges and carrying supplies or boats.²⁰¹ Massachusetts Governor Francis
2874 Bernard reported to the board of Trade in 1763 that, "I was surprised to
2875 see what havoc disease made alone among the provincial soldiers."²⁰² We
2876 need not dwell here on the woeful state of medicine, the inferior training
2877 of physicians and surgeons, poor sanitation, lack of real hospitals and
2878 drugs, presence of lice and rats and other disease carriers, inability to
2879 diagnose diseases and ailments correctly, lack of sterile instruments or the
2880 lack of understanding of how diseases were caused and spread.
2881 Dysentery, typhus, typhoid fever, pneumonia, smallpox, diphtheria,
2882 malaria, measles, mumps, and other virulent disorders frequently caused
2883 more deaths than engagements with the enemy. A man injured in an
2884 accident or wounded in combat could count on virtually no medical help.
2885 Amputation was standard treatment for shattered limbs. Bodily wounds
2886 or internal injuries were generally untreated because of the lack of skill
2887 and hospitals. Professor Anderson found that, during the French and
2888 Indian War, New England militia and volunteers suffered a mortality rate
2889 of between 40 and 66.7 per thousand and a total casualty rate of 283.5
2890 per 1000, for a period of about three months.²⁰³

2891 The English regarded the American militiamen as substitute manual
2892 laborers who were especially well suited, if for nothing else, for building
2893 and maintaining roads and bridges, driving wagons, building boats and
2894 then carrying these across portages, cutting firewood, building and
2895 maintaining latrines, and in general performing such distasteful physical
2896 tasks as fell on the British soldiers when there were no militia available.
2897 As Colonel John Robertson explained, the provincials were suited only "to
2898 work our boats, drive our wagons, and fell our trees, and do the work
2899 that, in inhabited counties, are performed by peasants."²⁰⁴ Perhaps most
2900 odious of all duties was that of cutting trees and doing other attendant
2901 work to build roads. This work required enormous physical stamina, for

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2902 first growth trees of the virgin forests provided a significant obstacle and
2903 among the many considerations of British civil engineers, the amount of
2904 physical toil required was the least. Next in line as a physically demanding
2905 task was the building of fortifications. Forts required the digging of large
2906 holes, felling and cleaning large trees and dragging these to the proper
2907 place and setting the posts in the holes; and locating, extracting, shaping
2908 and setting large stones. Many period records show that the British
2909 officers enlisted, drafted, recruited, and, if all else failed, hired, provincial
2910 tradesmen to serve as masons, sawyers, carpenters, millwrights, wheel-
2911 wrights, or (that all-purpose term), "artificers." Provincials also hunted
2912 game to supplement the standard fare of salt beef, pork, cod, or mutton.

2913 There was no socio-economic discrimination practiced in New England
2914 militia as had been the case with the English militia. Regular British
2915 officers who served in North America and who knew little, if anything, of
2916 prevailing social conditions, and often cared to know even less about the
2917 national customs, misunderstood the colonial way of fighting and
2918 preparing for war. They did not care to understand the fraternity and
2919 socializing that marked militia training days. To them, the American
2920 provincials were woefully disorganized, completely inefficient and
2921 hopelessly democratic. Officers socializing with the enlisted men and
2922 militiamen electing their own officers necessarily precluded discipline,
2923 organization and efficiency. In an army where officers made it a practice
2924 to refuse to learn, let alone address men by, their first names, the
2925 fraternization they saw among provincials was disgusting. Surely, mutiny
2926 and desertion would follow from such lax discipline.²⁰⁵ Here, poor citizens
2927 and indentured servants joined with their commercial and propertied
2928 brethren. The New England militia certainly represented a far greater
2929 cross-section of society than did the contemporary English militia.²⁰⁶

2930 A prominent Tory compared the militia to Falstaff's army; it was "poor
2931 and bare." Another Tory said that many of the militia had entered battle
2932 wearing "breeches that put decency to blush." The Earl of Loudoun
2933 complained to Lord Cumberland about his militia. "[A]s to the complaints
2934 of the ill usage of the Militia, it rather appears to me that the Militia came
2935 rather slow up, and when they arrived to the number of 2000, the
2936 desertion from that time on was equal to their Acquisition by the arrival
2937 of new reinforcements."²⁰⁷

2938 As we have seen, at least Englishmen did show respect for the colonial
2939 militia and their unique ability to wage war effectively in the hinterland of
2940 America. After the catastrophic defeat of General Edward Braddock's
2941 army at the Battle of the Wilderness, the London-based *Public Advertiser*

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2942 caustically observed that "300 New England Militia men would have routed
2943 this Party of Indians."²⁰⁸ One British officer commended the New England
2944 militia to the exclusion of the others.

2945 In all military Affairs it seems to belong to the New England Provinces to
2946 set a proper Example. All agree that they are better able to plan and
2947 execute than any of the [other] British Colonies. We put no Confidence
2948 in any troops other than theirs; and it is generally lamented that the
2949 British Veterans were not out in Garrisons and New England Irregulars
2950 [Militia] sent to the Ohio. Their men fight from Principle and always
2951 succeed. . . . Instead of the Devastations committed by the Troops in
2952 1746, not a Farmer has lost a chicken . . .²⁰⁹

2953 Americans were only too willingly to support this kind of endorsement.
2954 The *Public Advertiser's* American correspondent, writing on 18 August
2955 1755, related an account of an ambush that had occurred "150 miles off
2956 . . . a few days ago" in which an Amerindian war party numbering three
2957 hundred had attacked a party of eighty New England militia. "The Indians
2958 fired first and killed one Man; the New England Men took to the swamps
2959 and woods after them and killed 40 of them."²¹⁰ A private letter written
2960 by a Boston correspondent in August 1755 in the same newspaper
2961 recounted the success of the New England militia in "the late fight at Nova
2962 Scotia." An "Old England Officer, Colonel Monckton" had ordered the
2963 militiamen to march in European-style close "Army Order" which they did,
2964 but only so long as they were not under attack. "When the Indians fired
2965 on them out of the Woods they broke their Ranks and ran into the Woods
2966 after them." Monckton was outraged and accused them of misconduct,
2967 saying "the Devil was in them." But the militiamen had the last laugh.
2968 "They soon returned and shewed him several Indian heads and scalps,
2969 [saying] 'This is our Country Fighting.'" This lesson had been lost on
2970 British commanders and because Braddock had insisted on fighting as
2971 Monckton had, he "fell sacrifice to his Onstancy."²¹¹ After the British
2972 surrender at Yorktown, Sir Henry Clinton referred to the New England
2973 militiamen as "warlike, numerous and formidable."

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2974

Training Days

2975 Each colony in New England set aside one or more days for training and
 2976 disciplining the citizen-soldiers. This custom had been inherited from
 2977 medieval England where similar days had been set aside for like purpose
 2978 in each shire. When training day laws went unenforced the militias lapsed
 2979 into mobs that were unable to coordinate their activities on the field of
 2980 battle and were unwilling to obey their officers. Occasionally, part of the
 2981 training days was set aside to repair and build fortifications. A chaplin
 2982 opened and closed the day with a prayer and occasionally with a sermon.
 2983 The minister also enforced morality laws to such a degree that public
 2984 drunkenness was all but unknown and the camp followers that commonly
 2985 accompanied men in arms were also nowhere to be found.

2986 During the French and Indian War a New York correspondent of the
 2987 London-based *Public Advertiser* praised the moral character of the New
 2988 England militiamen.

2989 We put no Confidence in any other Troops than theirs; and it is generally
 2990 lamented that the British veterans were not put into Garrison and New
 2991 England Irregulars sent to the Ohio. Their men fight from Principle and
 2992 always succeed. The Behaviours of the New England Provincials at Albany
 2993 is equally admirable and satisfactory. Instead of the Devastations
 2994 committed by the [British regular] Troops in 1746, not a single Farmer has
 2995 lost a Chicken or even a Mess of Herbs. They have five Chaplains and
 2996 maintain the best Order in Camp. Public Prayers, Psalm-singing and
 2997 Martial Exercises engrossed their whole Time at Albany. Twice a week
 2998 they have Sermons and are in the very best frame of Mind for an Army,
 2999 looking for success in a Dependence upon Almighty God Would to
 3000 God the New England Disposition in this Respect were catching.²¹²

3001 The number of annual training days was fixed by law and varied
 3002 considerably according to time and place. In 1631 the Massachusetts
 3003 militia was so enthusiastic about training days that it mustered weekly.
 3004 Within a year the enthusiasm waned and musters were then held monthly.
 3005 By 1637 the interest had continued to decline and consequently drills were
 3006 held only eight times a year. Subsequent changes in the law reduced the

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3007 obligation to six times a year and then just four. Emergencies changed
3008 the militiamen's minds and prompted them to take muster more seriously.
3009 During King Philip's War the Massachusetts militia mustered every Sunday
3010 and one additional day per week.²¹³

3011 Training days became social occasions. Whole families attended. The
3012 women folk prepared the means which were taken in common. The
3013 children enjoyed a rare opportunity, at least in rural areas, to socialize and
3014 to play with large numbers of other children. Many young, single men met
3015 their future wives at these gatherings. Occasionally, a church or public
3016 building had to be repaired and this was done as a part of, or adjunct to,
3017 training days.²¹⁴ A British officer described New England training under
3018 the watchful eye of five chaplains who assumed responsibility for the
3019 morality and general decorum.²¹⁵

3020 To Jeffery Amherst's seasoned, professional officers the Americans
3021 were utterly ill-mannered and ungentlemanly. They ignored class distinc-
3022 tions which were all important among the British officer corps. They
3023 reported to Amherst that the officers joined their men in carousing and
3024 carrying on, often into the wee hours of the morning. The militia officers
3025 were as bad as the men, engaging in all manner of outrageous behavior.
3026 They often wore costumes and unacceptable, non-military clothing. Many
3027 officers failed to wear insignia or distinctive uniforms that would identify
3028 them amongst their men. Moreover, they failed to obey even the most
3029 rudimentary rules of sanitation. Men and officers alike stank for they
3030 failed to bathe or change and wash their clothing.

3031 In 1759 General Jeffery Amherst, preparing at assault the French fort
3032 at Ticonderoga, reviewed the colonial militia and volunteers. He was so
3033 disturbed by the New England militia's lack of basic military knowledge
3034 that he ordered them trained with British regulars using the same hand-
3035 books, training manuals, and standards used with regular army recruits.
3036 Only by applying universal training standards could Amherst expect to
3037 integrate them with his own forces and deploy them as a single combat
3038 team. Amherst ordered that all regiments of volunteers and militia be
3039 given a copy of Humphrey Bland's *Treatise of Military Discipline*.²¹⁶
3040 Throughout the long campaign in upper New York and into Canada the
3041 New Englanders struggled to become acquainted with the unfamiliar rules
3042 and procedures of British military routine.

3043 Additionally, Amherst was amazed to discover that many militiamen
3044 had only the most rudimentary knowledge of how their firearms worked.
3045 He expected to find the fabled "nation or riflemen" but instead discovered

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3046 to his dismay that many of the urban New England militiamen possessed
3047 only the faintest knowledge of how their arms operated and how to care
3048 for them. Many men had fired, at the most, a few rounds of ammunition,
3049 and these on rare occasions at militia musters when musket practice was
3050 held. Amherst immediately gave orders that the marksmanship training
3051 and instruction in the manual of arms be given top priority at future
3052 musters and that volunteers in his army be trained with his own men in
3053 standard British military fashion. To his mind, militia training days were
3054 a sham.

3055 All militia required discipline and organization. These were based on,
3056 or obtained from, some standard infantry field manuals and books of
3057 instruction on military drill. The standard drill manual for British troops
3058 was *The Manual Exercise as Ordered by His Majesty in 1764*, printed as
3059 early as 1766 in the colonies, but it had never been officially adopted for
3060 militia exercise. Thomas Simes, a young British officer in 1772 had
3061 written a *Military Guide for Young Officers*, reprinted in 1776 in
3062 Philadelphia. It proved to be among the most popular manuals in the
3063 colonies in the years immediately preceding the War for Independence.
3064 Sir Humphrey Bland had produced a work on military discipline which
3065 proved to be popular in the colonies. On the eve of the Revolution there
3066 was no shortage of manuals upon which the American militia officers
3067 might draw.

3068 But Americans seemed inclined to produce their own manuals,
3069 influenced though they might be by British works. Timothy Pickering of
3070 Massachusetts was always interested in military matters as he was a
3071 militia officer, and in 1775 he published a militia training manual, *An Easy
3072 Plan of Discipline for a Militia*. Later, Washington, recommended him to
3073 Congress for the office of Adjutant General, commending him in these
3074 words, "He is a great military genius cultivated by an industrious attention
3075 to the study of war."²¹⁷ Pickering's book was based upon a similar work
3076 known as *Norfolk Discipline*, written in 1757 for the use of the militia of
3077 Norfolk County, England. That work was the text book used by the militia
3078 of Rhode Island; and was, in fact, the basis for the training of most of the
3079 New England militia. Massachusetts for a time instructed her militia with
3080 William Windham's *A Plan of Exercise for the Militia of the Province of
3081 Massachusetts*, written in 1771. Windham's book was based upon the
3082 Norfolk work. In the preface to his manual, Pickering listed his sources:
3083 *Norfolk Discipline; Exercises Ordered by His Majesty; Memoirs of Saxe;*²¹⁸
3084 *The Young Artillery-Man*, by Barrisse;²¹⁹ *Exercises of the Army;*
3085 *Regulations for the Prussian Infantry;*²²⁰ Bland's *Military Discipline;*
3086 General Wolfe's *Instructions for Young Officers; The Cadet;* and Young's²²¹

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3087 *Essays on the Command of Small Detachments.*²²²

3088 There were few major engagements fought in the new world. Battles
3089 on the European continent and in the West Indies rarely touched the
3090 colonists. The wars came and peace again reigned and there were long
3091 periods of rest in between the wars. The Revolution was a different
3092 matter.

3093 All battles in the Revolution were fought on American soil, save only for
3094 a few, relatively minor, naval engagements. There were no regular army
3095 units to fight the war, save for those ultimately drawn from the militia.
3096 The militia was constantly on the move, fighting against both the English
3097 and the Amerindians. Frontier militiamen who served far away from their
3098 homes had real reason to worry about the fate of their families at home,
3099 especially after the Six Nations entered the war with a vengeance. Men
3100 were away from their homes and farms or other occupations for extended
3101 periods of time. Women and children at home might make do with the
3102 principal bread-winner being absent for one season, but continued
3103 absence over several years took a horrible toll. Since most farms had
3104 operated essentially on a subsistence level, it meant that fewer people had
3105 to raise more food to feed more people. Someone had to grow the food
3106 to feed those in the armed forces.

3107 During the first two years of the Revolutionary War there were few
3108 problems. By 1777 the war was taking a toll on the patriots. Men were
3109 tiring of the war. Taxes were high and the currency depreciating at a
3110 rapid rate. High inflation and high taxes placed many father-less families
3111 at the mercy of moneylenders. Some taxes went unpaid. Militia fines
3112 were substantial, and providing a substitute was beyond the means of the
3113 typical household. Since the lame, halt, blind and others who were
3114 handicapped or disabled had to procure a substitute each time they were
3115 drafted, this obligation fell heavily on a segment of society which was
3116 ordinarily unable to sustain the cost. Wages of the enlisted men, whether
3117 in the continental line or militia, were insufficient to support a family. The
3118 pay of soldiers in 1776 was given in paper money which exchanged freely
3119 on par with silver. In January 1777 silver brought a premium of 25% and
3120 by January 1778 silver was valued at four times the stated value of paper
3121 money. In 1780 silver was worth sixty times the face value of the
3122 depreciated currency. By May 1781 it was essentially worthless and had
3123 ceased to circulate for virtually no one, the most ardent patriots included,
3124 would accept it.

3125 The British regulars assigned to North America were generally well

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3126 trained and subjected to the most harsh discipline known among military
3127 organizations anywhere. During the many wars with France, many times
3128 the British army stood against savage assaults because of this discipline.
3129 The colonial militias never accepted such discipline because of the
3130 egalitarian spirit that pervaded the colonies.

3131 The militia failed to work effectively as regular combat units for several
3132 reasons. Few, if any, militiamen were interested in prolonged campaigns
3133 far from home. Training had long been oriented toward serving short-
3134 term home guard service. The militiamen were especially ineffective as
3135 garrison troops in various fortified areas, as they became bored quickly
3136 and had little interest in such service. When a man served a tour of duty
3137 far from home he remained concerned for the protection and economic
3138 well-being of his family. Most militiamen could ill afford the costs of
3139 leaving home, farm, business, or shop. The Amerindians, Tories and
3140 British were a constant threat to their property.

3141 Perhaps the most important reason for failures of the militia can be
3142 traced to the volunteering and drafting militiamen. Those who were most
3143 interested in the military life volunteered first. Militia units preferred to
3144 send their best men to the Continental Line. With the ranks depleted, the
3145 militia units were increasingly filled with those least interested, or least
3146 able to serve, in military service. By the end of the war grizzled, and
3147 often semi-invalided, veterans mixed with young, raw recruits, and those
3148 who had, by some device or another, escaped regular state or national
3149 service.²²³

3150 Local boards and militia officers were under constant pressures to
3151 increase their procurement of men for regular army service. With each
3152 passing month there were fewer volunteers, but more calls from the states
3153 and the Continental Congress for men. The most ardent patriots had
3154 already enlisted for the duration of the war. Others with more modest
3155 pretenses of patriotism had also volunteered, or at least not resisted a
3156 draft, for shorter terms of service. Most of those left at home by 1777
3157 either preferred to fill their responsibilities at home, were reluctant
3158 associators or were handicapped in some way. Some may have been so
3159 worried about the safety of the home folks that they did not choose to
3160 abandon their responsibilities to their families and neighbors.

3161 In truth, by 1781, after nearly six years of uninterrupted warfare,
3162 neither units of the continental line nor militia units were up to their full
3163 and expected strengths. Many times partial companies, battalions and
3164 regiments of each took the field, seriously undermanned. Few were the

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3165 able-bodied men who had not served on active service in some way or
3166 another. Many had come away horrified by the realities of war or repelled
3167 by army life in the field. Many had developed such a strong dislike for
3168 military duty that they paid large fines rather than even attend militia
3169 muster. Some had seen their families reduced almost to financial ruin
3170 during their service and would not place them in jeopardy again. Others
3171 had feared for the safety of their families during their absence and were
3172 unwilling to serve except in local tours of militia patrols again. Thus, even
3173 the militiamen often resisted short periods of duty outside their home
3174 counties.

3175 Appeals to sentiment and patriotism began to fall on deaf ears. Military
3176 discipline was extremely harsh and British rule could be viewed as humane
3177 when compared with military discipline. Officers were a generally
3178 intolerant lot, allowing few deviations from a strict regimen which repulsed
3179 many who had become accustomed to the enjoyment of freedoms at
3180 home. There was little freedom of thought or of action. Moral discipline
3181 was imposed even on those with few moral principles. Much of military
3182 life was reduced to drill and camp routine which was monotonous and
3183 boring. There was much military routine and preparation for each day of
3184 battle, especially for those in the militia, on garrison duty or standing
3185 watch. Sheer boredom as well as home-sickness were greater enemies
3186 than the opposing armies.

3187 All of these things might be said of the soldier's life at any period, but
3188 it was at least as great during the Revolution as at any time in human
3189 history. Its greater burden may be found in the context of the time which
3190 allowed for far greater freedoms than had heretofore been the case. The
3191 fact that all these factors were at work throughout history makes it none
3192 the easier for those undergoing it in the present.

3193 The militia worked well as an emergency force, deployed for a limited
3194 time, in a limited operation, operating near home and for a short duration.
3195 Indeed, under these circumstances there may be no formidable military
3196 force. It certainly is well used as an auxiliary force to protect the home-
3197 front while the majority of eligibles are serving in the regular armed force.
3198 In the case of prolonged war conducted throughout a large geographical
3199 area the primary use of a militia is to serve as a definable register of those
3200 available for a draft into a regular military unit. Some militia training is
3201 certainly advantageous to the regular army for it introduces military drill,
3202 use of arms and general military regimen to civilians. The American War
3203 for Independence marked the end of the militia as the primary fighting
3204 force in America and the beginning of the emergence of a regular army as

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3205 the primary military and defense force of the nation. The emergence of
3206 a regular force might have come much sooner had it not been for the
3207 continual presence of the British army in North America.

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3208

Arms and Strategy

3209 Arms figured prominently in the development of America from the
3210 earliest years. Guns were important for hunting, but indispensable for
3211 warfare. Warfare between European colonists and the native aborigine
3212 was simply a clash between the stone age weapons the Amerindians
3213 possessed and the products of modern technology that the colonists
3214 possessed. The colonials had brought over with them, and offered for
3215 sale, iron hammers, hatchets, knives, swords, lances and tomahawks.
3216 The impact of these superior weapons was overwhelming. But nothing
3217 had as great an impact as firearms. The impact of firearms and especially
3218 cannon was overwhelming beginning with the shock value of the noise
3219 these arms made.

3220 The weapons of the colonists had changed remarkably in the two
3221 centuries which preceded the colonization of America. The pike which had
3222 been the standard infantry weapon of all of Christendom was replaced by
3223 the musket. The original European firearms were wheel-locks and match-
3224 locks. Some European armies in the mid-seventeenth century still used
3225 matchlocks, but wheel-locks had all but disappeared. The mechanisms of
3226 wheel-locks were much too complicated to be salable. These arms worked
3227 on the same principle as a watch. The mechanism was wound with a key.
3228 When discharged the wheel, in which iron pyrites were fastened, ground
3229 against an iron pan, releasing a shower of sparks which detonated the
3230 priming charge, eventually igniting the gunpower in the barrel. Wheel-
3231 locks were quite expensive and were usually highly decorated and were
3232 the hunting arms of the wealthy. They were largely the property of
3233 nobility. The majority of the original military firearms were match-
3234 locks which were both cumbersome and unreliable. These arms used a
3235 burning match which was positioned away from the touch-hole in the
3236 barrel. To fire a match-lock one moved the burning match inward to the
3237 touch-hole. These arms were not especially satisfactory either. The arm
3238 was not useful unless the match was already ignited. The burning match
3239 was visible, especially at night, and gave off an odor which helped to
3240 reveal the user. One had to have flint and steel wherewith to ignite the
3241 matches which burned for only about twenty minutes before they had to
3242 be replaced. Ignition was especially difficult in damp or wet weather. The
3243 arm was difficult to reload. By 1675 the matchlocks, snaphaunces
3244 and wheel-locks were rapidly being replaced with the superior common
3245 flintlock and dog lock mechanism equipped firearms.²²⁴ Unlike the Ameri-
3246 ndians the settlers could repair, and if necessary, manufacture firearms,

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3247 ball and gunpowder.²²⁵ The first reports of bayonets dates to 1687 and
3248 soon after nearly all the colonials' muskets and many fowling pieces and
3249 rifles were now equipped with the bayonet.²²⁶

3250 The invention of the flintlock, c. 1650, proved to be the turning point
3251 in arming infantry. By 1675 most colonies required that flintlocks, usually
3252 called fire-locks in period literature, replace the old matchlocks as the
3253 standard infantry weapon. Most flintlock muskets fired a round ball of .75
3254 (3/4 inch) diameter. The flintlock was little changed in substance from its
3255 introduction through the American War with Mexico. Until well after the
3256 War of 1812 no enemy might be expected to have weapons of superior
3257 nature or firepower, at least in quantity.

3258 These arms weighed about ten pounds. An experienced shooter could
3259 discharge the weapon three to four times a minute, although the speed
3260 rapidly diminished as the bore fouled with black powder residue. The
3261 musket was generally reliable, although there were a few drawbacks. The
3262 large bores used up individual supplies of gunpowder and lead rapidly.
3263 Flints had a useful life of about thirty shots before they required replace-
3264 ment. A broken, damaged or inferior flint might not produce the requisite
3265 spark. Touch-holes, holes drilled in the barrel near the flash-pan which
3266 allowed the spark to enter the chamber wherein the gunpowder laid,
3267 occasionally became clogged. Poor quality, wet or deteriorated
3268 gunpowder might not fire properly. Introduction of the waterproof pan
3269 improved reliability of the musket in bad weather. A misfire required that
3270 a shooter thread a pointed worm on the tip of his ramrod, screw the worm
3271 into the lead ball and then empty out the gunpowder.

3272 By 1680 flintlock muskets were equipped with bayonets. No longer did
3273 the soldier equipped with a firearm have to carry a pike or other cutting
3274 or slashing weapon. By 1710 the bayonet-equipped musket had become
3275 the standard infantry weapon of all European armies. While regular troops
3276 nearly always had bayonets, and many times charged an enemy only with
3277 a bayonet attached to the an empty musket, colonial militia only rarely
3278 had bayonets, especially if they were armed with their own guns.
3279 Adaptability to the bayonet was a primary reason why states sought to
3280 equip as many militiamen as possible with muskets rather than rifles or
3281 other civilian arms.

3282 Muskets were intended for mass fire and were highly inaccurate at
3283 distances greater than fifty yards. Most had no rear sights and were
3284 designed to be pointed in the general direction of one's enemy rather than
3285 aimed at an individual target. Training with muskets, or their civilian

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3286 counterparts called fowling pieces, did not emphasize marksmanship. One
3287 might occasionally hit a man-size target at 100 yards, although effective
3288 range was perhaps 50 to 60 yards. In practice, those firing muskets held
3289 the muskets roughly parallel to the ground and discharged in mass in the
3290 general direction of an advancing, opposing force.

3291 Rifled arms were much more accurate, but the rifling fouled much more
3292 rapidly than the loose fitting musket barrels. Only a few marksmen,
3293 usually hunters, could begin to gain any great advantage from the rifling.
3294 Most rifled barrels were of smaller calibre than muskets and were certainly
3295 not uniform. Each rifleman had to cast his own bullets to fit the diameter
3296 of his barrel, and weigh his own powder charge to fit his own gun's
3297 requirements. Prepared charges of powder, wadding or "patches," and
3298 bullets could only be prepared on an individual basis, rather than being
3299 issued by an arsenal. Most rifles were of more decorative design and far
3300 less sturdy than heavy muskets. Rifles were rarely made to mount, and
3301 only occasionally could be modified to accept, bayonets. The rifle was
3302 used most effectively as a sniper's, or skirmisher's, weapon. Its long
3303 distance shock value was great for riflemen generally chose their targets
3304 carefully, especially marking enemy officers as prime targets. They were
3305 slower to load for several reasons. Rifled bores were of value if the ball
3306 fitted tightly in the bore and so a patch of leather or cloth was used to
3307 assure a tight fit and to accept the rifle grooves. Tight fitting patched balls
3308 reacted to the slightest fouling of the bore, an inevitable result of the use
3309 of black powder. One of the perennial problems with firearms
3310 was their almost complete lack of uniformity. There was no standardiza-
3311 tion of caliber and most companies found that no more than a few men
3312 used the same size musket or rifle ball. Many militiamen carried fowling
3313 pieces, slim single barrel shotguns, used by civilians with shot to kill birds
3314 and with a patched ball to kill deer. Because of their light construction
3315 throughout they were especially unsuited for military application, and none
3316 was sufficiently heavy to use as a club or to mount a bayonet. None of
3317 the colonial militia laws had never required that men provide themselves
3318 with military arms. Each man had to provide his own ammunition, which
3319 was easily interpreted to mean that each man could supply whatever arm
3320 he wished so long as he had the proper ammunition. Lack of uniformity
3321 plagued the colonies throughout the various colonial wars. Most
3322 volunteers and draftees in the colonial period received standard military
3323 arms from the English or were equipped from the rather limited colonial
3324 stores of English weapons. Colonial gunsmiths manufactured very few
3325 militia muskets; their work on military arms seems to have been confined
3326 to the maintenance and repair of arms manufactured abroad.

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3327 During the Revolution the best equipped units, whether Continental
3328 Line or militia, used English Brown Bess or French Charleville pattern
3329 muskets. Since these two standard military arms of the great European
3330 powers used the same ball and load there was no problem presented here.
3331 As the war continued these standard military arms were supplemented
3332 with imported arms of many descriptions as European nations emptied
3333 their arsenals of obsolete and damaged equipment. Additionally,
3334 American gunsmiths offered some arms of local manufacture. The best
3335 equipment, naturally, went to the Continental Line and militia units lucky
3336 enough to have standard military weapons found that the Line took these
3337 weapons with draftees or simply confiscated them. Militia officers, in turn,
3338 bought or impressed civilian arms, adding to the variety of bores and
3339 ammunition.

3340 While firearms, especially snaphaunces, matchlocks and other early
3341 "firelocks," were in general use, the pike was still a popular weapon. The
3342 simplified manual of arms in use in the third quarter of the seventeenth
3343 century gave instructions for the use of the pike. The pikeman was
3344 required to know only eleven positions in the manual whereas those
3345 armed with firearms were to know no less than 56 positions. Fathers with
3346 a large number of sons often chose the pike for their offspring. Men at the
3347 time were responsible for arms their sons between ages 16 and 21. In
3348 1681 a Massachusetts militiaman named John Dunton discussed the
3349 reasons for the use of the pike among inexperienced militiamen.

3350 I thought a pike was best for a young soldier, and so I carried a pike, and
3351 between you and I reader, I knew not how to shoot off a musket. But
3352 t'was the first time I ever was in arms; which tho' I tell thee, Reader, I
3353 had no need to tell my fellow soldiers, for they knew it well enough by my
3354 awkward handling of them.²²⁷

3355 A few pikemen were outfitted in archaic helmets and corselets, but
3356 most wore buff colored padded coats. They carried knapsacks, utility belts
3357 and some edged weapon, such as swords or hatchets.²²⁸ In his diary,
3358 Samuel Sewall, Chief Justice of Massachusetts, recorded in his diary his
3359 observations on the instruction of young men in the use of the pike, the
3360 half-pike and halberds. A good pike, Sewall recorded, cost about 40
3361 shillings, far less than a good gun. He described a pike carried by one
3362 officer, "headed and shod in silver" and inscribed "*Agmen*

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3363 *Massachusettsense est in tutelam sponsae, Agni 1701.*"²²⁹ As late as 1706
3364 there are records of the purchase of new halberts for the foot militia.²³⁰
3365 King Philip's War in New England, 1675-1676, marked the end of the pike
3366 as a principal militia weapon. Amerindians were much more intimidated
3367 by the thunder and novelty of firearms than they were by pikes which
3368 resembled their own spears. Armor was little used after 1650.²³¹

3369 Americans, accustomed to firearms since birth, realized the importance
3370 of good guns. As they developed their own arms, made by cottage
3371 industry gunsmiths, they disdained the poorly made, often obsolete or
3372 obsolescent weapons the Europeans dumped on the colonies from the
3373 backrooms of their arsenals. In 1747 an American militia wrote to the
3374 *New York Gazette* to complain of the poor quality of arms shipped to the
3375 New Jersey militia. "The Lords of Trade had sent "300 Guns, or Things in
3376 the Shape of Guns, which were condemned by the Gunsmiths at Albany
3377 as not the value of old Iron." There was a reason why the guns were so
3378 poor. The writer charged that "those very arms had been in Oliver
3379 Cromwell's Army." He added, tongue in cheek, that the Commissioners
3380 had sent the guns because they knew that, in Cromwell's day, these guns
3381 had killed the French and they were frightened by them, so the issuance
3382 of the guns in 1747 was designed expressly to frighten the French away
3383 rather than forcing the Americans to kill them²³²

3384 Between 1688 and 1745 European military strategists developed new
3385 military formations and doctrine. By the time of the War of Spanish
3386 Succession (1702-14) European armies abandoned the tactics that had
3387 been useful when soldiers were armed with pikes and various cutting
3388 weapons and developed linear tactics more adapted to firearms. Common
3389 soldiers rarely carried swords in battle, as non-commissioned and minor
3390 commissioned officers carried halberds and officers were issued
3391 spontoons. All these weapons were essentially ceremonial symbols of little
3392 practical value in fighting.

3393 Instead of massing their men, as in previous times, commanders
3394 spread them out in long lines across a substantial front. Instructors
3395 learned that lining infantry three deep was the optimum way to deploy
3396 soldiers armed with muskets. Each line fired in turn, and by the time the
3397 third line had discharged its muskets the first line was loaded and ready
3398 to shoot again. Because of the inaccuracy of their muskets, soldiers
3399 usually formed battle lines about one hundred yards apart. Field
3400 commanders thus marched their men to the clearly defined field of
3401 engagement and waged a war of attrition. Opposing armies continued to
3402 fire until one withdrew or was decimated or surrendered.²³³

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3403 Lord Loudoun introduced a number of innovations adapted to warfare
3404 in North America. One notable departure from the standard European
3405 practice was allowing militiamen, whether armed with rifle or musket, to
3406 fire from the prone position. Firing from that position was useful primarily
3407 to riflemen, but, before the Revolution, only a small number of rifles had
3408 been issued, or even permitted, among troops in the British service.

3409 The last quarter of the eighteenth century also saw the introduction of
3410 mobile field artillery. The colonists generally used artillery to great advan-
3411 tage. They did not have a kill large numbers of Amerindians with it in
3412 order to make a point. There was nothing in their code of war which
3413 required them to stand against such overwhelming firepower. The sound
3414 and smell and awesome destructive power of cannon were in and of
3415 themselves often sufficient to cause the warriors to retreat from firepower
3416 which they could not begin to match. Older cast-iron artillery was used
3417 primarily to batter down enemy fortifications at distances of 200 yards or
3418 less. Artillery was massed close enough to the target to concentrate its
3419 fire. They were rarely very accurate, due in large to irregular casting of
3420 both barrels and balls and to wear from use. Of lighter construction and
3421 smaller bore than siege cannon, the new cannon often had brass or
3422 bronze barrels instead of iron. By the French and Indian War, the French
3423 had mastered new artillery strategy and had developed superior hardware.
3424 The new cannon had improved construction and design from barrels to
3425 carriages. By the Revolution, artillery could be used effectively against
3426 massed troops at ranges up to 1000 yards. Light artillery could be used
3427 somewhat effectively by militias, but the use of larger cannon was a highly
3428 developed specialty.²³⁴

3429 The Dutch and Swedes had given the Amerindians cannon, but they
3430 had been rendered useless for lack of shot, cannon gunpowder and spare
3431 parts after these two nations withdrew from North America. Generally,
3432 the Amerindians chose merely to destroy cannon they captured because
3433 they really did not understand its use or deployment. But others began
3434 to supply the Amerindians with swivel guns which they mounted on the
3435 walls of their forts. These arms may be viewed as very large calibre rifles
3436 or small cannon, with bores about one to one and a half inches in diameter
3437 and loaded with multiple shot.

3438 The militia systems in most colonies were in full vigor by 1650. In
3439 Maryland, for example, the militia was divided, according to the European
3440 manner, into the general militia, including all free male inhabitants
3441 between ages 16 and 60, and the Trained Bands, consisting of specially
3442 trained and fully armed citizen-soldiers. Each citizen bore the cost of

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3443 bearing arms himself. There was a "clawse enjoying every person to
3444 bring a good fixed Gunn . . . to the trayning . . . for the service of the Lord
3445 Propy [proprietor]."²³⁵ The public treasury bore the cost of both
3446 purchasing and maintaining the extra equipment used by the Trained
3447 Bands.²³⁶ Maintenance and storage of these arms were the responsibility
3448 of the sheriffs of the Maryland counties. Despite having been founded as
3449 a haven for Roman Catholics, by 1670 Maryland was effectively disarming
3450 Catholics. In many other colonies, bearing arms was restricted to those
3451 who would deny the doctrine of transubstantiation.²³⁷

3452 Connecticut provided for a muster-master in each county whose
3453 function it was to inspect the arms of the militia and Trained Bands, for
3454 the able-bodied free men "by lawe are required to provide armes and
3455 ammunition" for themselves. Clerks were empowered to maintain records
3456 of militia equipment for each inhabitant.²³⁸ Trained Bands were "to be in
3457 readiness upon an bower's warning for a march; who are to have their
3458 armes well fixed and fitted for service."²³⁹ The law provided that smiths
3459 were to give priority to repairing arms of the militia over all other work.
3460 It also provided penalties for citizens who failed to pay the smiths for such
3461 work, as it was a primary obligation of citizenship.²⁴⁰

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3462

Militia as a Reservoir

3463 The militias of Colonial America worked best when they were given
3464 limited assignments of short duration within the province from which the
3465 men were drawn. In most cases, the legislative calls issued to the militias
3466 were specific as to unit (usually based in a town or district), number of
3467 men required, and duration of service. The greater the distance of the
3468 service from the town where the units originated the greater the
3469 probability that some men would be drafted from the unit for service; the
3470 closer the service to home, the greater the chance that all men would be
3471 mustered.

3472 Legislative mandates assigned the various towns their quotas and
3473 allowed each governments to decide how to fill the quota. In most cases,
3474 the governments first allowed the militiamen to volunteer and filled any
3475 deficiencies by a general draft from the militia companies.

3476 One of the problems which developed between the colonial militias and
3477 the British army lay in the British method of conscription of men from the
3478 militias. British recruiters often enlisted the men for life, in standard
3479 British practice. Few Americans, especially illiterate backwoodsmen,
3480 seemed to have understood that they had signed for such a term of
3481 service. In 1755 Lieutenant John Winslow protested when a British
3482 recruiting officer attempted to enlist a group of New England volunteers
3483 serving in Nova Scotia without telling them that they would be signing on
3484 for life. He argued that the provincial political authorities must step in and
3485 stop the practice and force the release of those already enlisted. Winslow
3486 argued that lifelong enlistment would have a deleterious effect on the
3487 development of the colony. To allow this enlistment practice to remain,

3488 will be a most impolitical step, as these men are sons of some of the best
3489 yeomen in New England, who encouraged them to understand this
3490 expedition . . . and on like occasions the men have been returned at the
3491 end of the time limited, and [it] was expected by the governor and people
3492 [that this] would have been the case [in this instance again]. And if [they
3493 are] disappointed and their children [are] kept, there will be an end put
3494 to any future assistance, let the extremity be what it will.²⁴¹

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3495 The central governmental authorities occasionally laid specific
3496 assessments for manpower upon the provincial and state governments.
3497 In each of England's several wars with France the home government
3498 assigned quotas to be filled within each colony.

3499 The rather standard practice was to recruit as many as might be
3500 enlisted by paying small bonuses. The provinces and towns often offered
3501 bonuses that were paid in addition to those which the home government
3502 offered. If enough men were not forthcoming, the towns and provinces
3503 offered even greater bonuses. The authorities could offered bonuses in
3504 land (usually in French Canada) as well as in money. Other leaders
3505 offered clothing, blankets, equipment, or firearms. Bonuses varied greatly
3506 from time to and place to place, with governments attempting to recruit
3507 as cheaply as possible while the men were trying to obtain as much as
3508 possible for their services. Considering that governments rarely paid
3509 veterans bonuses or death benefits to families which had lost wage
3510 earners and the sources of support, one certainly cannot blame the men
3511 for getting all they could as enlistment bonuses.

3512 Volunteers were often recruited from among the lowest echelons of
3513 society, including free-booters, Amerindian traders, runaway apprentices
3514 and servants, criminals on the lam, and derelicts. In harsh economic
3515 times, many poorer men enlisted because there was no other work to be
3516 had.

3517 If there were still insufficient men then the provincial legislatures might
3518 authorize a draft. The militias served as the reservoirs from which the
3519 legislatures might draw for men. Most of the real work of drafting men
3520 was left to the towns and militia districts. The lucky men drafted into
3521 service might serve home or fortress guard duty, maintaining some static
3522 fortification of strategic location. Boredom was the great enemy here.

3523 The unlucky draftees might be sent to the West Indies for long service.
3524 Many fell to enemy fire and many more died of diseases and injuries.
3525 Others were recruited into service in Canada against the French. I have
3526 not found any instance in which the home government assigned quotas to
3527 the American provinces for service on the European continent.

3528 The towns and districts had no choice but to comply with a legislative
3529 or executive call for manpower. They could not refuse to respond. If the
3530 towns failed to fill their assigned quotas, the selectmen or other local
3531 political authorities could be held responsible, fined, and even imprisoned
3532 for failure to perform. The towns themselves might be assessed fines or

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3533 penalties, to be paid out of local taxes. Towns often appointed local
3534 committees to secure the necessary volunteers, using the militias as the
3535 reservoir from which to draw volunteers. Later, during the Revolution
3536 especially, the towns were free to set bounties which might be much
3537 larger than those offered by the Continental Congress or the states.

3538 Conversely, towns might be credited with volunteers, especially those
3539 in excess of the assigned levy, and receive bonuses from the provincial or
3540 home government. So hard was it to recruit men during the Revolution
3541 that state legislatures assigned bonuses even for fulfillment of their legal
3542 quotas. This practice occurred primarily after the long war for
3543 independence had exhausted patriotic sentiments and the states were
3544 having great problems with recruitment of men to fill the quotas assigned
3545 to them by the Continental Congress for men to serve in the Continental
3546 Line.

3547 In reality, none of the wars between France and England had made
3548 exhausting demands upon the New England militia. Men were rarely away
3549 from their homes and farms (or other occupations) for extended periods
3550 of time. Militiamen rarely missed both planting and harvesting seasons
3551 and it was truly a rarity when a farmer missed planting and harvesting in
3552 two consecutive years.

3553 Military actions during the struggle between France and England for
3554 supremacy in North America were largely of two types. There were the
3555 sporadic raids, conducted by French *courriers de bois*, a handful of French
3556 military and bands of Amerindians. The second type of actions were those
3557 involving larger numbers of men, including regular French troops, and
3558 directed at some important outpost or strategic fort.

3559 In the first case, raiding parties sought to harrass the frontier
3560 settlements and isolated cabins. Here the French had no permanent
3561 objective in mind although they did take captives who were held in virtual
3562 slavery or were used as hostages to be exchanged for French captives
3563 held by the English or Americans. The raids were designed to strike terror
3564 in the hearts of those inhabitants who were so bold as to bring civilization
3565 into the wilderness. Perhaps certain trade temporary trade prerogatives
3566 were at stake. These incursions were perfectly suited to militia action.
3567 The ranging units might pursue the Amerindians back into Canada, even
3568 to follow the raiders into their villages, in an attempt to rescue captives
3569 and perhaps to win a war of attrition. No regular military unit was nearly
3570 as well adapted to the war in the deep woods as the rangers who had
3571 been drawn from among the frontiersmen.

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3572 In the second case the French sought to capture and hold some point
3573 of strategic significance. Among the important sites were: Ticonderoga,
3574 which controlled the Hudson River Valley and Lake Champlain; Niagara,
3575 gateway to the west and the Great Lakes; Port Royal and Louisbourg,
3576 which commanded the eastern seaboard and the St. Lawrence River; and
3577 DuQuesne which controlled the three rivers and was the link between the
3578 great western plains and the east via the Ohio River complex.

3579 In actions at strategic points the method of warfare was generally quite
3580 simple. The warring party enlisted sufficient manpower to drag heavy
3581 cannon and mortars sufficient in firepower to breach the walls of the fort.
3582 Regular military sappers were augmented by various tradesmen, often
3583 including ships' carpenters, carpenters and wood cutters. They cut a road
3584 through the forest while the colonial militia, teamsters, and wagoners
3585 dragged artillery pieces, gunpowder, and shot to the outer perimeter of
3586 the fort. It all became very simple thereafter. If a relief force appeared,
3587 or the number of troops within the fort were sufficient to sortie out and
3588 destroy the siege force, those in the fort won. If the number of soldiers
3589 holding the fort was insufficiently large to engage the enemy, and if no
3590 relief force appeared, the force besieging the stronghold won by battering
3591 down the walls, or by inflicting damage sufficient to compel the fort's
3592 surrender. American warfare was thus a throw-back to the siege warfare
3593 that ended the reign of castles in Europe in late feudal, and early modern,
3594 times. Unlike European warfare of the same period, armies rarely
3595 engaged on an open field. The militia had more physical exertion in these
3596 engagements in bringing up the supplies than in actual combat. Artillery
3597 was a specialization of the regular army, although a few militia companies
3598 had mastered artillery.²⁴²

3599 The regular British army units from England fought in nearly all battles
3600 of the colonial period. These well-trained and equipped units provided
3601 most of the shock troops, with volunteers, conscripts and militia largely
3602 acting as back-up and auxiliary units. The outcome of the major
3603 engagements were largely in the hands of the army, not the militia.
3604 Casualties, especially among the New England militias and volunteers,
3605 were relatively light. Most authorities agree that the professional army
3606 suffered far more casualties than the provincial militias and volunteers,
3607 but the Americans suffered their share also. In the abortive campaign
3608 against Ticonderoga in 1758 the forty-second and forty-sixth British
3609 regiments were slaughtered by French gunners, while the militia, being
3610 held in reserve, suffered few casualties. In some cases the regulars were
3611 fully protected while in siege whereas the militia were held in unprotected
3612 close reserve. At Ticonderoga in 1759 and during some other actions the

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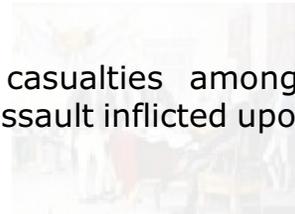
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3613 French defensive cannon fire inflicted more casualties among the
3614 provincials being held in reserve than the actual assault inflicted upon the
3615 British attacking army.

3616 The New England militia could muster large numbers of men if
3617 necessary. A French observer in Canada reported in 1756 that the English
3618 had gathered a large army at Fort Lydius [Fort Edward] and Fort George
3619 [Fort William Henry], consisting of ten thousand to twelve thousand men,
3620 of whom six thousand to eight thousand were New England militiamen
3621 under General Winslow.²⁴³

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3622

Militia of the French Enemy

3623 In mid-seventeenth century the entire white population of Canada
3624 probably did not exceed 3000 adults. Although the French king had about
3625 100,000 men in arms, he was loathe to send more than 2000 to Canada.
3626 Louis regarded Canada as a fur farm and warehouse and had little interest
3627 in colonization or exploration. He only reluctantly allowed Samuel de
3628 Champlain to establish colonies at Port Royal, Acadia [1605], Quebec
3629 [1608] and Montreal [1611]. To his favorites the king granted *seigniories*,
3630 medieval land grants from which the *seignores* earned fortunes by
3631 charging the rentiers for everything from rent to milling fees. The
3632 *seigniories* formed the base on which militia units were recruited. In 1665
3633 he sent 24 companies consisting of 1500 men under Colonel de Salières
3634 to build several forts wherewith to guard the trade routes. The forts were
3635 strategically located to block the Iroquois war routes. In 1666 the
3636 governor of Canada, de Tracy, sent a handful of these French troops and
3637 nearly all his militia against the Mohawks in New York. The Mohawks sued
3638 for peace and the majority of the French troops returned to France.²⁴⁴

3639 The French countered the New England militia with Canadian militia of
3640 their own. In 1756 Louis Antoine de Bougainville noted in his diaries that
3641 "everyone quit work at four o'clock so that the workers may drill."²⁴⁵ By
3642 mid-summer 1756 there were 2500 Canadian militia and 1800 Amerindian
3643 warriors available to the French army. The Montreal militia alone
3644 numbered 300.²⁴⁶ The home government provided the militia with 1800
3645 muskets and 400,000 shot, an appropriate number of cartridge boxes,
3646 flints and gunpowder, hospital supplies and artillery. They also gave the
3647 militia 150 special grenadier muskets.²⁴⁷ On 8 August 1756 they marched
3648 800 militia to Frontenac as an advanced guard.²⁴⁸ On 29 July 1757
3649 Bougainville provided a list of militia in the king's service in Canada.
3650 There were 3170 militia and 300 volunteers under Villiers.²⁴⁹

3651 The regular winter equipment issued to French-Canadian militiamen
3652 and regulars included: an overcoat, a blanket, a wool cap, two cotton
3653 shorts, pair of loose leggings, a breech-cloth [regular army had breeches
3654 and drawers instead], two hanks of thread and six needles, an awl, a
3655 tinderbox, a butcher's knife, a comb, a worm [for musket], a tomahawk,
3656 two pairs of stockings, two pocket-knives, a pair of mittens, a waist-coat,
3657 two pairs of deer-hide moccasins, a dressed deer-hide, two breast straps
3658 used in hauling boats over portage, a drag rope, a pair of snow-shoes, a
3659 bear-skin, and one tarpaulin per four men or one per officer. Each item

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3660 was valued and a militiaman might accept cash payment in lieu of the
3661 item. Each man also received twelve days' rations of bread, salt pork and
3662 peas. At appropriate times, men might be given sleds and a few were
3663 issued horses.²⁵⁰

3664 The French under siege in the spring of 1758 suffered as the English
3665 had, from malnutrition and hunger. Bougainville noted that the soldiers
3666 could not function fully on a ration of two ounces of bread, a half-pound
3667 of beef or horse-meat, a half-pound of salt pork, and a quarter-pound of
3668 salt cod.²⁵¹ Poor food and irregular pay and a dearth of able-bodied men
3669 made recruitment of additional volunteers and militia almost impossible.
3670 Most recruits were of the lowest sort and did more to weaken the army
3671 than to strengthen it.²⁵² By 1 January 1758 the French had activated all
3672 reserve and active militia and were able to report only 2108 men in arms
3673 under Marquis de Vaudreuil.²⁵³

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3674

On the Other Side

3675 When the American War for Independence began, the patriot (or Whig)
3676 cause was not supported by everyone in the thirteen colonies. Two
3677 classes stand out: the loyalists, also called Tories or United Empire
3678 Loyalists; and the pacifists, primarily Dunkards, Moravians and Quakers,
3679 or members of the Society of Friends. Most of the pacifists were wholly
3680 apolitical and avoided assisting or supporting either side in any way. The
3681 Friends not infrequently expelled members of the sect for joining the army
3682 on either side.²⁵⁴ The loyalists were opposed to independence and
3683 withdrawal from the empire. They generally argued that the American
3684 Revolution was a civil war and they were free to choose sides without
3685 penalty. Tories existed everywhere, but were most numerous in the mid-
3686 Atlantic²⁵⁵ and southern states. Incidence of loyalism was highest among
3687 the Anglican clergy,²⁵⁶ crown officials, southern planters, socio-economic
3688 elites and cultural minorities, although they came from all religious, ethnic,
3689 socio-economic, class and occupational groupings. Many merchants and
3690 upper class tradesmen, such as goldsmiths, espoused the loyalist line.²⁵⁷

3691 Many colonists remained loyal to the British Empire and were willing to
3692 fight for it. Some men, seeing that they would be forced by patriotic
3693 militias to choose sides, chose to join the royalist militia, the side which
3694 they sincerely believed to be right. The patriots called them Tories and
3695 the English knew, and later honored and compensated, them as United
3696 Empire Loyalists. They represented a broad cross-section of colonial
3697 American society and came from all levels of the socio-economic classifica-
3698 tion. There is no question that, because of pressures from the patriots,
3699 and their great zeal in ferreting out loyalists, many loyalists left rather
3700 than submit to a cause in which they did not believe.²⁵⁸

3701 America lost some of its outstanding conservative political leaders and
3702 men of property and commerce. The patriot response to the real and
3703 presumed Tory activities was brutal and direct. Their property was
3704 confiscated and sold at public vendue, with a value of no less than
3705 £10,000,000. They were forbidden to practice their trades and
3706 professions and denied basic judicial protections. They were often convict-
3707 ed by rumor in non-judicial bills of attainder. Some suffered severe
3708 physical abuse as well, including the traditional "tarring and feathering."
3709 Others kept their views secret and collaborated with British occupation
3710 forces on appropriate occasions. When the king's troops withdrew the
3711 loyalists usually had to retreat with them, for they enjoyed little, if any,

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3712 protection from the patriots. Lacking organization and good leadership,
3713 their impact was not commensurate with their numbers. Three factors
3714 motivated the tories: fear of loss of their property; general patriotic
3715 loyalty to the king; and pride in the Empire.²⁵⁹

3716 Patriots loathed the tories. They confiscated their land, homes, estates
3717 and even their working tools and condemned them by bill of attainder.²⁶⁰
3718 Patriots considered them traitors and subjected them to all forms of
3719 discrimination and persecution. Radical patriots were generally more
3720 successful than Tories in recruiting among the undecided faction. As the
3721 flames of revolution grew many neutrals chose to follow the new course.

3722 Estimates of the numbers of American Loyalists differ enormously and
3723 there seems to be little way of reconciling the estimated figures with the
3724 truth. One good estimate is that the nation was divided into roughly equal
3725 thirds. One-third were active patriots; one third were staunch Tories; and
3726 one-third wavered in their loyalties. Another scholar estimated that during
3727 the Revolution there were perhaps 500,000 active tories among the
3728 colonists, or about twenty percent of the white free population. Perhaps
3729 another twenty percent of the population were passive tories. By the end
3730 of the war probably 200,000 loyalists had died in British service, been run
3731 out of the country by patriots, or had become voluntary exiles somewhere
3732 within the British Empire.²⁶¹ The number of exiles was above 100,000, out
3733 of a total caucasian population for the thirteen colonies of 2,100,000.
3734 These 100,000 tories represented about two and one-half percent of the
3735 free white population, that is, 24 exiles per 1000 people. In contrast, the
3736 French Revolution drove less than one-half of one percent of the
3737 population into exile, or five people per 1000. About half of the refugee
3738 tories fled to Canada, most settling in New Brunswick which was created
3739 in 1784 expressly to accommodate them. Others moved to Florida, the
3740 West Indies and back to England.²⁶² After the war only 4118 tory requests
3741 for compensation were approved by the Royal Claims Commission,
3742 although these people were paid approximately £3 million.²⁶³

3743 As with the patriots, it was often most difficult to distinguish between
3744 militia and enlisted regiments of the regular army. Many Tory militiamen
3745 enlisted in British units, so the British authorities used their militia as did
3746 the patriots, as a reservoir for the filling of regimental vacancies. It
3747 served British purposes to keep the distinction between regular army and
3748 militia units vague, in large part because the militia sounded somewhat
3749 more populist and suggested voluntary popular support for the royal
3750 cause.²⁶⁴ As British policy developed following the defeat at Saratoga, the
3751 loyal militia was to be divided into two classes. The one would act

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3752 offensively in concert with, and generally under the leadership of, the
3753 British army. The second class, consisting of the invalid corps, men over
3754 age 40, and those with large families, was to maintain domestic order,
3755 quell local insurrections and invasions and act as occupation troops.²⁶⁵

3756 By the end of 1775, when the British authorities were giving little
3757 attention to the loyalist faction, only about 1000 loyalists had enlisted in
3758 militias. Perhaps as many as 60,000 Tories served as militiamen and
3759 enlisted soldiers in the English cause. Rosters exist for the years 1779
3760 and 1780 which show an average of 9000 to 10,000 men in His Majesty's
3761 Provincial Forces in North America. Some have claimed that in 1780 some
3762 8000 tories were serving in the British army, although other estimates are
3763 considerably lower. Many, if not most, of these tories had been drafted
3764 or recruited from tory militia units. By contrast, Washington's army at the
3765 time numbered only 9000.²⁶⁶ While an exact count is impossible, there
3766 were 19,000 men who served in forty known tory units. Loyalist historian
3767 Lorenzo Sabine listed twenty five Loyalist military organizations, mostly
3768 militia, each with sufficient strength to be commanded by a full colonel.
3769 Other authors have listed thirteen major tory organizations.²⁶⁷ Another list
3770 showed 312 militia companies and at least 50 distinct provincial corps.²⁶⁸
3771 By far the most complete list is found the publications of the Royal
3772 Institution of Great Britain where there are forty such organizations
3773 noted.²⁶⁹ These numbers do not count tory marauders and irregulars.

3774 Initially, the British had thought that they could win a quick victory. No
3775 one in either military high command or the Home Office thought that the
3776 colonists could possibly win, and none were prepared for a prolonged and
3777 expensive campaign. All that was necessary for the quick victory was one
3778 great, all-out battle, and that would come when the British forces trapped
3779 Washington and forced him to do battle. Therefore, the British authorities
3780 and strategists paid little attention to the Tory militia companies that
3781 spontaneously formed in the early months of the revolution. They had
3782 assumed that quelling insurrection was the work for the regular army, just
3783 as it had been in numerous rebellions in the home country. Recent
3784 experience with Jacobites had proven that their initial successes were
3785 quickly forgotten once the army forced a real battle with all the modern
3786 implements of war, such as the bayonet, cannon and massed troops. The
3787 British leaders thought tory militia would be of little value except in
3788 information gathering and in occupation of urban areas. There was no
3789 reason to believe that the tory militias would be any better trained, or
3790 form any better fighting force, than their patriot brethren for whom the
3791 English had so little regard.²⁷⁰

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3792 The tories played a more significant role in the War for Independence
3793 than has been reported in many sources. They supplied badly needed
3794 manpower for the British army. Volunteers came from the tory militias to
3795 swell the ranks of the army as they had in earlier wars. They also
3796 supplied the occupation authorities and police for cities, operating under
3797 the shield of the British troops. The English found it expeditious to have
3798 tories stand watch and perform other duties that running municipal
3799 government required. Other loyalists, theoretically assigned temporarily
3800 to militia duty, but wishing to serve more meaningful tasks, were assigned
3801 to foraging, reconnaissance and fire watch and like boring and
3802 monotonous duties. The aristocratic class, offered prestigious upper level
3803 commissions, were frozen in place because the regular army, in which
3804 promotions to ranks of colonel and general were given only after long
3805 service, or sold for huge prices, would not be made available to militia.
3806 We may recall that, under orders from Lord Loudoun, all militia officers
3807 were considered inferior in rank to even a second lieutenant in the regular
3808 army. Actual enlistments of tory soldiers, although not officers, fell short
3809 of official estimates and expectations. This was disappointing because the
3810 British had assumed that the rebels constituted only a tiny portion of the
3811 colonial population and therefore expected that a vast number of loyal
3812 volunteers would materialize, motivated only by thoughts of patriotism.

MEMORANDUM
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3813 The first, and perhaps greatest failure, of British policy in America was
3814 the assumption was that most Americans wanted to retain their loyalty to
3815 British rule. Overall, British policy remained recalcitrant in the belief that
3816 most Americans wanted to live under the king's rule. As late as 1779
3817 General James Robertson, testifying before the House of Commons,
3818 insisted that "more than two-thirds" of Americans were loyal to the crown.
3819 Once freed from patriot rule, the vast majority of Americans would run to
3820 the safety of benevolent British rule.²⁷¹

3821 A second major British failure was based in the maintenance in force
3822 in North America of the British Mutiny Act. Americans, especially those in
3823 cities, had witnessed the horrors of the imposition of corporal punishment
3824 of unimagined intensity among the occupying troops. This brutal discipline
3825 may have meant little to the upper crust of society, those who would
3826 occupy the officer corps, but it was utterly frightening to those who might
3827 serve as enlisted men and thus be subject to the law. Other loyalists
3828 doubtless saw other inconsistencies, irregularities and abuses among the
3829 occupying troops.

3830 A third failure of British recruitment policy, clearly related to the

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3831 second, was the reduction in authority of militia commissions as compared
3832 to regular commissions. When Loudoun first imposed the Mutiny Act
3833 during the Seven Years War, it had the effect of placing all provincial
3834 officers under the command of all regular officers beginning with second
3835 lieutenant. Thus, any militia general, in actual command, was under the
3836 authority of any regular officer. Even after 1779, militia officers,
3837 irrespective of experience or service, were inferior to regular officers of
3838 the same grade. Provincial militia officers were ineligible to receive
3839 permanent rank or half pay upon reduction.

3840 A fourth failure, related to the third, was the failure of the English
3841 authorities to develop a uniform policy in regard to enlistment bounties.
3842 Initially, officers received commissions based on their ability to recruit
3843 men to serve in regiments they were raising. Each provincial unit had to
3844 negotiate its own terms of support, and since most aristocratic loyalist
3845 officers cared little for their enlisted men, adequate provision of the men
3846 was rarely a great concern. Other loyalist officers, seeking to fill the ranks
3847 to secure their own commissions and ranks, made vague promises and
3848 commitments, or made promises they were essentially powerless to carry
3849 out. A few wealthy officers made good on their promises from their own
3850 resources. By late 1778 the home government began to clarify the
3851 arrangements and conditions of provincial enlistments, but by then it was
3852 too late for word had spread of the many unfilled bounties and unkept
3853 promises. Only after 1781 did the home government agree to offer a
3854 number of inducements, bounties and promises to loyal men who might
3855 be recruited.²⁷² In 1776 the British home government had prepared
3856 supplies for 10,000 men, while enlistments were probably about 7000.²⁷³

3857 The system of by offering commissions to those recruiting men had
3858 been well established in British colonial practices even before the Seven
3859 Years War. During the American Revolution the British army operated
3860 even more closely than in the past with the provincial militias. Any
3861 prominent loyalist who could raise a tory militia troop of almost any size
3862 could receive a commission from the king. Those who were most active
3863 in recruitment of provincial militia regiments and companies were men
3864 who held rank and wealth before the revolution. Provided they recruited
3865 a sufficient number of tories, these officers could nominated the
3866 commissioned officers of inferior rank. Some tory officers believed,
3867 correctly or not, that they had been authorized to offer grants of land of
3868 50 acres to enlisted men and 200 acres to non-commissioned officers.
3869 Provincial militia recruits commonly agreed to serve for two years or the
3870 duration of the war, if less.²⁷⁴ Many British army officers objected to this
3871 custom, claiming that this practice promoted the staffing of regiments with

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3872 wholly unqualified officers. The Inspector-General of Provincial forces
3873 rationalized the army's official position.

3874 I have found . . . several persons to whom warrants had been granted to
3875 raise Corps had greatly abused the confidence that had been placed in
3876 them, by issuing warrants to very improper persons as inferior officers,
3877 the consequence of which was that numberless abuses had taken place,
3878 and among many others, Negroes, Mulattoes, Indians, Sailors and Rebel
3879 Prisoners, were inlisted, to the disgrace and ruin of the provincial
3880 service.²⁷⁵

The Unalienable Rights

3881 After 1780, because of the irregularities in enlistment procedures, each
3882 militiaman recruited in the southern campaign was issued a certificate
3883 expressly limiting his service and guaranteeing him exemption from
3884 service beyond a pre-arranged territorial limit. The men were granted the
3885 right to elect their own officers rather than having officers commissioned
3886 by fulfillment of enlistment quotas. The authorities established an
3887 inspector to superintend militia enlistments, training and discipline. The
3888 inspector was charged with preventing any acts of frauds in enlistments
3889 and to prevent the patriots from drawing out suspected tories by falsely
3890 representing themselves as loyalist recruiters.²⁷⁶

3891 A fifth failure may be seen in the treatment accorded recruits by both
3892 the British regulars and the provincial militia officers. W. O. Raymond
3893 studied the papers of Muster Master General Edward Winslow. Edward
3894 Winslow, Jr., had served as a guide for Lord Percy when he went to relief
3895 of Pitcairn at Lexington on 19 April 1775. Winslow fled with the British
3896 army when it evacuated Boston and went to New York city where many
3897 of his friends and business associates joined him in forming a tory militia.
3898 In July 1776 he was appointed muster-master of all "Provincial troops
3899 taken into his Majesty's service within the Colonies lying on the Atlantic
3900 Ocean from Nova Scotia to Florida inclusive." Winslow chose as his
3901 assistant Ward Chipman, a fellow graduate of Harvard. Their duty was to
3902 enlist additional militiamen into the king's service. Raymond wrote of
3903 Winslow's efforts, "There can be not the slightest doubt that the haughty
3904 demeanor of the British regulars toward the provincials, combined with the
3905 ill treatment of Loyalists by the Army, lost to the royal cause thousands
3906 upon thousands of friends and well wishers in all the colonies."²⁷⁷

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3907 It is not especially surprising that, while enlistments of privates
3908 remained relatively low, nearly all loyalist militias had a full complement
3909 of officers. One recent researcher commented that the most striking
3910 feature of loyalist militias was "the very high proportion of officers to
3911 men."²⁷⁸ It took the English a long time to realize that most loyalists were
3912 of a rank in life superior to the class from which enlisted men were usually
3913 drawn. Treating enlisted men with great discourtesy did nothing to
3914 improve on the number or quality of enlistments of common militiamen.

3915 British and Hessian troops often treated the Americans with brutality.
3916 Alleged looting and rapine was reportedly especially widespread in New
3917 Jersey, but was reported throughout the former colonies. British raiders
3918 also reportedly looted and burned the property of tories and patriots alike.

3919 Adding to the other British problems there developed rivalries between
3920 former officers, former colonial officers and current colonial officers still in
3921 office, especially in Canada. For example, Governor Francis Legge of Nova
3922 Scotia resented the recruitment of loyalist refugees on his turf by Joseph
3923 Gorham and Francis Maclean.²⁷⁹ Legge wanted to create a regiment in
3924 order to secure his own commission, but the others had the military
3925 reputations that he lacked and so recruits avoided Legge and signed in
3926 with Gorham and Maclean. Legge pulled political rank, appealed to Lord
3927 Dartmouth and received support from the home government for his won
3928 regiment along with a commission as colonel.

3929 Another reason for the failure of British efforts to recruit tories was the
3930 development of British policy to encourage Amerindian raids of the
3931 patriots, especially those families living on the vast western frontier. Even
3932 the home government and its opposition in the House of Commons had
3933 some grave reservations about this barbarous practice. Americans who
3934 were closer to the frontier and who had seen or heard reports of
3935 Amerindian atrocities were usually much disturbed and resentful.
3936 Awareness of the practice of buying scalps was widespread and received
3937 almost universal rejection.

3938 The regular army wanted to share virtually nothing with their provincial
3939 brethren. Home office policy before 1778 was never made it clear if the
3940 provincials were to draw supplies from army stores, so the army's
3941 commissary was rarely cooperative. The provincials were rarely accorded
3942 the privilege of the regimental orderly rooms, hospitals, ambulances or
3943 nursing care. Those wounded who were unable to return to duties
3944 received no allowances, nor were there provisions for widows or orphans
3945 of those provincials killed in action. Initially, the army had opposed both

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3946 the enlistment of loyalists into their units and the incorporation of loyal
3947 militia into the overall British military force.²⁸⁰

3948 In the first two years of the conflict, nearly 1500 Tories enlisted in a
3949 dozen loyalist provincial militia units. Later, some loyalists joined these
3950 and other provincial militias because there was no real alternative. Militia
3951 service offered the displaced loyalists one of the few opportunities for
3952 employment. Others were alienated by patriot brutality toward their own
3953 families and confiscation of their property and that of their fellow Tories.
3954 Still others thought the British effort was going well and that the patriots
3955 were retreating, so they chose to support the winning side, perhaps in
3956 hope of receiving rewards after the crown restored its colonial rule. For
3957 these men, the patriot victory at Saratoga in October 1777 proved to be
3958 a major shock, diminishing their belief in British victory. When news of
3959 Burgoyne's surrender arrived in London on 2 December 1777, followed
3960 shortly by news of the entry of France in the war on 13 March 1778, the
3961 home government realized that it was faced with a real crisis. The
3962 government surmised that it would become necessary to increase
3963 enlistments in the provincial militias.²⁸¹ In the beginning, the British had
3964 done very little recruiting among the loyalists; loyalists themselves had
3965 initiated the formation of all loyal militias. One recent author expressed
3966 the judgement that "Before British policy was reformulated in 1779 . . .
3967 three years of confusion and sharp practices had destroyed much of the
3968 respect which Loyalists had for Great Britain."²⁸²

3969 After the unfortunate turn of events, the British needed provincials
3970 more than ever. Troops at home were in short supply. Because France
3971 posed a true threat to Britain's colonial outposts it was not among the
3972 reasonable policy choices to consider withdrawing troops from the other
3973 colonies. In the wake of the obvious failure of the government's colonial
3974 policy Lord Howe's resignation was accepted on 4 February 1778.²⁸³ Lord
3975 George Germain urged the new commander General Henry Clinton to
3976 attempt to recruit more colonials. Germain offered his resignation soon
3977 after.²⁸⁴ To expedite recruitment Germain suggested instituting a new
3978 policy. By December the Board of General Officers had addressed most
3979 of the earlier deficiencies. It recommended offering three guineas as
3980 bounty for each new recruit, a guinea reward for apprehension of loyalist
3981 deserters, and an annual allowance of £40 for hospital expenses for each
3982 loyalist regiment. The home government sweetened the pot by offering
3983 permanent commissions to officers along with half-pay retirement or
3984 permanent disability.²⁸⁵ Clinton opened recruitment to runaway criminals
3985 excepting only those who had been under penalty of death; to indentured
3986 servants and apprentices; and to escaped slaves.²⁸⁶

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3987 The results of Germain's and Clinton's new policies were disappointing.
3988 In 1779 there was only a small increase in enlistments, perhaps twenty
3989 percent; while in 1780 and 1781 new recruits barely replaced desertions
3990 and those whose enlistments were expiring. A discouraged Clinton wrote
3991 Germain in December 1779, "So many attempts to raise men have totally
3992 failed of success and some corps which at first promised to be of
3993 importance have remained . . . in so very weak a state that there is little
3994 encouragement to undertake anything moire in this line."²⁸⁷

3995 As time passed, the loyalists became ever more an excuse for British
3996 presence in the colonies. The costs of the war were taking a huge toll on
3997 British finances and opinion in and out of Parliament was turning decidedly
3998 against continuing the war. Landed gentry were reeling under increased
3999 taxation and the government was borrowing heavily again. To respond to
4000 its critics, as the government's parliamentary majority decreased, North
4001 looked for evidence of tory suffering and readiness to contribute to the
4002 war effort. The opposition accused the government of inventing stories
4003 of persecution against the tories just to shore up their efforts when the
4004 war was going poorly.²⁸⁸ Without loyalist support both the government
4005 and the king feared that they would have to abandon the colonies, at least
4006 until the war with France was over.²⁸⁹

4007 By late 1778 the British colonial policy came under attack in what is
4008 known as the Howe Inquiry. The opposition in the House of Commons,
4009 wishing to embarrass the government, spent most of the parliamentary
4010 session between November 1778 and July 1779 challenging the policy of
4011 continuing the war. On 6 May 1779 General William Howe was called as
4012 a witness and immediately the government was placed on the defensive.
4013 But the better witness for the opposition was Howe's second in command,
4014 Major-general Charles Grey, who declared that "I think that with the
4015 present force in America, there can be no expectation of ending the war
4016 by force of arms." No cost effective way to end the war was available.
4017 Only protection of the loyalists and their property and interests could
4018 provide a reason for continuing the war.²⁹⁰

4019 Several of the first provincial militia units created differed substantially
4020 from other provincial regiments. They were led by qualified officers who
4021 had accumulated considerable experience in earlier wars. Recruitment
4022 was done far from patriot strongholds and especially among expatriates
4023 and loyalist refugees. They included many experienced former soldiers
4024 and militiamen, especially Scotch Highlanders.²⁹¹ Recruits were allowed
4025 to assist in selecting their own officers. Bounties for land served as
4026 inducements for enlisting. The British expected these early militia units

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4027 to perform the same duties and functions as regular army units. They
4028 were special units specifically chosen to perform certain duties in clearly
4029 defined areas. The home government did not intend to replace any army
4030 units with provincial militia as a matter of general policy. Among the early
4031 provincial militia units were Maclean's Royal Highland Emigrant Regiment
4032 and Gorham's Royal Fensible Americans. Joseph Gorham was a former
4033 frontier ranger and Deputy Superintendent of Indian Affairs. In December
4034 1775 Gorham bragged that he had enlisted 300 former patriot riflemen
4035 into the tory militia. General Francis Maclean was himself a Highlander
4036 who had been an officer in the Seven Years War who had remained in
4037 America.²⁹²

4038 When British troops occupied a town, township, county or city they
4039 ordinarily sought out the loyalist leaders and urged them to form a militia.
4040 Like their patriot brethren they mustered on a regular schedule, set by the
4041 muster-master. Commonly they practiced six times a year and had mini-
4042 musters once a month. Even though most loyalists were members of the
4043 Church of England they usually had no association with the church, as
4044 especially their calvinist-puritan brethren had in New England.²⁹³

4045 Most Tory militia were urban, although Indian Affairs Superintendent
4046 John Stuart²⁹⁴ and Sir John Johnson (1742-1830), son of Sir William
4047 Johnson, and Colonel Guy Johnson (-1788),²⁹⁵ nephew of Sir William,
4048 were somewhat successful in raising several loyalist militia companies on
4049 the frontier. Sir William Johnson, known widely as the Lord of the
4050 Mohawks, had died in 1774 and neither his son John nor his nephew Guy
4051 had quite the influence over the Six Nations that William had enjoyed. Sir
4052 John assumed the position of Commissioner of Indian Affairs. Both of the
4053 second generation Johnsons had left New York with an appropriate
4054 number of Iroquois retainers and migrated to Canada. They constantly
4055 pressured Canadian Governor Guy Carleton to assist them in raising a
4056 large of warriors from the Six Nations and united empire loyalists and to
4057 equip them for a punitive expedition against the rebellious colonies. They
4058 were quite confident that a mixed Tory and Amerindian force of
4059 considerable size might be recruited. Carleton, knowing something of
4060 Amerindian outrages against caucasians, refused and Guy Johnson left for
4061 England. Lieutenant-colonel John Butler assumed Guy Johnson's position
4062 as Deputy Commissioner of Indian Affairs. Butler sided strongly with John
4063 Johnson (1742-1830) and worked very hard to increase the respect and
4064 friendship of the Iroquois nations. In May 1777, with the war entering its
4065 third year, and dreams of swift victory long vanished, the home
4066 government decided to accept the Johnsons' proposal. It ordered Carleton
4067 to give his fullest cooperation to their plan.²⁹⁶ The Johnsons and Butler

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4068 were joined by John Boxstader who led a combined Tory and Amerindian
4069 force near Currietown and Ourlagh, New York, massacring and scalping
4070 frontiersmen.²⁹⁷

4071 Atrocities occurred on both sides, especially when undisciplined militia
4072 captured militiamen of the opposite side.²⁹⁸ Some loyalists considered the
4073 patriots to be traitors and, when in command of loyalist volunteers or
4074 militia, treated them accordingly. In New York City, during the British
4075 occupation, many tories and their families gathered. In 1780 many
4076 American loyalists, huddled together under British protection in New York
4077 City, organized into an association independent of British military control
4078 called The Honorable Board of Associated Loyalists. This unit was
4079 commanded by William Franklin, once royalist Governor of New Jersey.
4080 William Cunningham of New York city was Provost Marshal and a dedicated
4081 Tory. When given care of captured patriot militia or regulars, he provided
4082 as little care as was humanly possible to give. He privately hung 250
4083 patriots and was responsible for the deaths of another 2000 who died of
4084 exposure or starvation while under his care.²⁹⁹

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4085 Some patriots reacted to this violence with violence of their own. When
4086 tory militia and regulars were active in Virginia³⁰⁰ the legislature assigned
4087 local militia units to the task of minimizing the damage. The leader of one
4088 of these patriot militias was Colonel Charles Lynch (1736-1796) of Bedford
4089 County. His reputation grew as the most successful Tory hunters and the
4090 legend grew that he regularly hanged ("lynched") Tory incendiaries and
4091 looters, although it is probable that he had most of them flogged rather
4092 than hanged. The term *lynching* applied ever after to an extra-legal
4093 execution. Georgia militiamen took a Lieutenant Kemp, an officer in the
4094 King's Rangers. They stripped and then killed him along with nine of his
4095 men for refusing to renounce the king. Eleven of the patriots who took
4096 Kemp were later taken by prisoner by tory militiamen and hanged. Militia
4097 captured a Captain Jones, member of Ganey's Tory Militia, initially treating
4098 him as a prisoner of war. Having determined to their satisfaction that he
4099 was a bandit, they killed him in front of his family and burned his house.
4100 Colonel Grierson of the Georgia Loyal Militia, was initially made prisoner
4101 of war, but later executed at Fort Cornwallis, allegedly in retaliation for the
4102 murder of some patriot prisoners of war.³⁰¹ Private citizens often acted
4103 like lynching mobs, literally applying tar and feathers, as in the following.

4104 The 6th of December at Quibble Town, Middlesex County, Pisquata
4105 Township, North Jersey, Thomas Randolph, Cooper, who had publicly

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4106 proved himself an Enemy to his Country, by reviling and using his utmost
4107 Endeavours to oppose the Proceedings of the Continental and Provincial
4108 Conventions and Committees, in Defence of their Rights and Liberties; and
4109 he being adjudged a Person of not Consequence enough for a severer
4110 Punishment, was ordered to be stripped naked, well coated with Tar and
4111 Feathers, and carried in a Waggon publicly round the Town -- which
4112 Punishment was accordingly inflicted; and as he soon became duly
4113 sensible of his Offence, for which he earnestly begged Pardon, and
4114 promised to atone as far as he was able, by a contrary Behavior for the
4115 future, he was released and suffered to return to his House in less than
4116 Half an Hour. The Whole was conducted with that Regularity and De-
4117 corum, that ought to be observed in all publick Punishments.³⁰²

The Unalienable Rights

4118 Tories carried on a ceaseless system of irregular warfare, accompanied
4119 by relentless devastation, following the methods of the savage
4120 Amerindians with whom they were frequently allied. Most military
4121 authorities have concluded that the war was decided by the regularly
4122 organized forces, and these irregular operations served primarily to
4123 embitter and prolong the struggle. At times, however, the activities of
4124 irregulars assumed special importance. In the South, Tarleton's men were
4125 victorious until the Battle of Cowpens,³⁰³ and the presence of some many
4126 loyalists shaped to a large degree British military policy and planning
4127 there.³⁰⁴ In southern New York, Royalist Governor Tyron carried fire and
4128 sword through the Hudson Valley and into Connecticut and New Jersey.³⁰⁵
4129 In northern New York, Sir John Johnson and Colonel Butler made
4130 incursions into the Mohawk, Schoharie and Wyoming valleys, retiring into
4131 Canada when necessary. At its height of power Butler's Rangers was 700
4132 men strong.³⁰⁶

4133 The war produced a significant number of notorious tory marauders.
4134 Claudius Smith of Orange County, New York, was a leader of a merciless
4135 band of marauders who sided with the loyalists. His one son was killed
4136 while raiding settlers' homes on Long Island. Smith was captured on Long
4137 Island and hanged. His surviving son Richard swore revenge, vowing to
4138 kill six patriots for every tory hanged.³⁰⁷ Another maurading band was led
4139 by John and Robert Smith of Pennsylvania. Their tory irregulars murdered
4140 the tax collector of Chester County. So vicious were their raids that
4141 continental authorities offered a \$20,000 reward for their capture. In May
4142 1780 they were arrested in Monmouth County, New Jersey, and there
4143 executed.³⁰⁸ A reward for the capture of David Sproat, also of Pennsylva-
4144 nia, was posted because of his torture and ill treatment of Whigs taken

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4145 prisoner.³⁰⁹ Thomas Terry, a local leader of tory resistance in the
4146 Wyoming Valley of Pennsylvania, reportedly killed his own mother, father-
4147 in-law and children in a raid. One of the nastiest marauders was a Colonel
4148 Scophol, described as "illiterate, stupid, noisy block-head" who led a band
4149 of 300 to 400 irregulars, named after him, called the Scopholies.³¹⁰

4150 Evan Thomas recruited and commanded a company of loyal militia in
4151 Bucks County, Pennsylvania. He worked in close cooperation with the
4152 Queen's Rangers.³¹¹ Valentine Shockley, a native of Maryland, a bandit
4153 and counterfeiter, led an irregular force in the area of York County,
4154 Pennsylvania, until captured and executed in 1779. Mordecai Daugherty
4155 was a notorious horse thief turned tory plunderer in Bucks County.³¹² Tory
4156 militia Lieutenant-colonel Jeromus Lott of Long Island, New York, was
4157 infamous for his cruelty toward Whig captives and prisoners of war.³¹³ -
4158 Weart Barta was a noted tory marauder, formerly a common thief, who
4159 escaped to Shelburne, Nova Scotia, as patriots closed in on him.³¹⁴ One
4160 of the most notorious tory raiders was a murderer known variously as
4161 Burke and Emmons who operated out of deep pine woods in New
4162 Jersey.³¹⁵ William Hovendon was a captain in both the Queen's Rangers
4163 and Tarleton's Legion. His irregular militia's raids in and near Philadelphia
4164 deprived the colonists of badly needed clothing and supplies.³¹⁶ Jacob
4165 James, a captain in the British Legion, was a raider and horse thief near
4166 Philadelphia. His real specialty was kidnapping patriots for ransom. After
4167 the local patriot militia began to track him, he moved south and joined
4168 Tarleton. He was captured and executed in North Carolina.³¹⁷

4169 One of the major functions of the loyalists was to mobilize opposition
4170 to the war for independence among the patriots. This policy makes a
4171 great deal of sense when we recall that one of the crown's erroneous
4172 presumptions was that most Americans were truly loyal to the king and
4173 mother country and had been induced to rebel only because of pressures
4174 brought upon them by radicals like John Hancock and Samuel Adams. On
4175 occasion the British were successful in recruiting militia from among the
4176 American prisoners of war. Brigadier Hammell, once aide to General
4177 James Clinton, was converted to the loyalist cause by Sir Henry Clinton.
4178 The British charged Hammell with raising a regiment of American militia
4179 deserters.³¹⁸ John McNee was hanged in 1778 for recruiting tories for
4180 loyalist militia service in New Jersey.³¹⁹ His principal crime was attempting
4181 to induce patriots to desert Washington's army during the winter of 1777-
4182 1778.³²⁰ Beginning in early 1779 Sir Henry Clinton offered £0/22/6 to
4183 each European who deserted from Washington's army.³²¹

4184 Still, the two principal functions of the loyalist militias remained

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4185 unchanged throughout the war. First, they were to fill the ever increasing
4186 need for manpower. As their numbers dwindled, many loyalists were
4187 incorporated within regular army units. The Caledonian Volunteers were
4188 raised in Philadelphia, and, in 1778, had as their commander Sir William
4189 Cathcart. Later this body was composed of both cavalry and infantry and
4190 was known as the British Legion. Attached to it was a troop of the 17th
4191 Regular Dragoons, who continued to wear their old uniform while the
4192 legion cavalry had a special uniform with green facings; and for that
4193 reason were known as Tarleton's Green Horse after their last and best
4194 known commander. The legion sailed for Charleston with Clinton and
4195 surrendered at Yorktown with 24 officers and 209 men.³²² Lord Rawdon
4196 raised in Philadelphia in 1777 the Volunteers of Ireland, composed chiefly
4197 of Irish-American deserters and Loyalists. This body was present at
4198 Hobkirk Hill and Camden. De Lacey's Brigade was raised around New York
4199 early in the war and consisted of three battalions of 500 men each. Two
4200 of these battalions in November 1778, joined Colonel Archibald Campbell
4201 in Georgia.

4202 Second, the loyal militia were to work on the frontier with those
4203 Amerindians who were loyal to the crown, functioning as terrorists. One
4204 of the Tories' principal contributions, especially in New York and
4205 Pennsylvania, was the recruiting of Amerindians to raid the patriots.³²³
4206 Donald McDonald, a loyalist of New York, was killed leading his mixed
4207 band of tory raiders and Amerindians on an assault on Herkimer, New
4208 York. McDonald carried "a silver mounted tomahawk on which 30 notches
4209 for scalps taken were engraved."³²⁴

4210

Toryism in New England and New York

4211 The British authorities expected to obtain little support in New England,
4212 especially among the Calvinist Protestants, but entertained somewhat
4213 more optimistic concerning New York. Some Boston merchants, high art
4214 tradesmen and Anglican clergy supported the home government, while
4215 other loyalists from all over New England gathered in Boston under the
4216 protection of the occupying army. When the patriots forced the English
4217 army out of Boston, nearly all active loyalists accompanied them, most
4218 emigrating to Canada. In New York, Anglicans and aristocratic English
4219 emigrants had prospered from the time that the Duke of York had
4220 captured the city. The loyalist population was sufficiently large to support

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4221 a newspaper, the *Royal Gazette*, at least as long as the British troops
4222 occupied that urban enclave. Probably more loyalist militia were recruited
4223 in and around New York City than anywhere north of the Carolinas. Still
4224 greater promise for royal support appeared among the Iroquois of New
4225 York.

4226 In early 1776 an American tory correspondent wrote to a London
4227 newspaper, claiming optimistically that "we have 60,000 [men] now in
4228 pay; besides twice as many militia."³²⁵ Another American wrote to his
4229 friend in London that "5000 men are constantly at work" in New York and
4230 were in a "war-like posture." In addition, "there is also 15 or 20,000 men
4231 ready to go to their assistance." These were in addition to 5000 to 6000
4232 men in Quebec and 2000 in Boston.³²⁶ In 1777 the Tory newspaper of
4233 Philadelphia, the *Pennsylvania Ledger*, boasted that the New York counties
4234 of Albany, Westchester and Dutchess had supplied 6000 loyalist militia-
4235 men.³²⁷ In December 1777 both Rivington's New York tory newspaper,
4236 *The Royal Gazette* and the Philadelphia tory *Pennsylvania Ledger* urged
4237 loyalists to join the tory militia and fight for what was rightfully theirs and
4238 to defend their homes, families and property. They urged Tories to join,
4239 claiming that they constituted a majority in urban New York, as well as in
4240 other urban centers, and that a small show of force would convince many
4241 faint-hearted loyalists to join their militia.³²⁸ In November 1777 Clinton
4242 received information that there were "thousands" of loyalists within the
4243 territory which the British occupied. "They should be immediately armed,"
4244 Theophilus Bache wrote, each company should be consist of 50 privates."
4245 In Queens alone there were already 1500 loyalist militiamen and this was
4246 only a tiny portion of those who might be enlisted.³²⁹ Clinton agreed that
4247 there were many potential loyalist militiamen, but he thought they would
4248 be useful in case of extreme emergency, such as invasion by Washington's
4249 army because they were merchants and tradesmen who had businesses
4250 to attend to.³³⁰ Clinton failed in large to follow up on the ideas and
4251 suggestions to improve the New York loyalist militias. By October 1782
4252 there were far fewer militiamen than loyalist had planned, with only 2958
4253 names still active on the rolls. Colonel Walton claimed 651 and Colonel
4254 Leake had 514, but most other lists were sorely depleted.³³¹ The tory
4255 newspapers served as recruiting agents for loyalist units. As late as
4256 August 1782 William Brant was seeking men for loyalist units in
4257 Rivington's New York newspaper.³³²

4258 In the last decades before the war for independence New York politics
4259 was dominated by up-state manor-lords living a semi-feudal life along the
4260 Mohawk and Hudson Rivers. Two political parties vied for control of the
4261 colony. The established church and tory interests were represented by

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4262 the DeLancey faction, while the Presbyterian and whig faction was headed
4263 by the Livingston family. When an anti-rent revolt of impoverished
4264 farmers broke out in 1766 the two factions joined to suppress it with a
4265 vengeance. Both parties opposed British policy after the Seven Years War
4266 to some degree, although power remained with moderate conservatives.
4267 New York City politics was controlled by wealthy merchants, many of
4268 whom profited from the Indian trade, and upper level tradesmen, tavern-
4269 keepers, free professionals and clergy of the Church of England. Later,
4270 when war came, both the New York City and the up-state Livingston and
4271 Delancey factions generally became tories.³³³ New York City remained the
4272 tory strong-hold as the British army occupied it, giving haven to loyalists
4273 from all the former colonies throughout the war.

4274 After the war, when loyalist claims were submitted to the British
4275 government, there were 1106 claimants from New York out of a total
4276 population of 203,747 in 1776. This figure made New York seventh of the
4277 thirteen colonies in population. New York thus had the highest percentage
4278 of loyalist claims of any colony, suggesting a large loyalist population. The
4279 state supplied approximately 23,500 men for loyalist militias and the
4280 British army, the largest number by far of all the colonies.³³⁴

4281 The most famous of all tories was Benedict Arnold (1741-1801), a hero
4282 of early Whig campaigns. As early as May 1779 Arnold, recipient of much
4283 patriot criticism for his administration as military commander in the
4284 Philadelphia area, had begun to correspond with the British authorities.
4285 General Clinton in New York sensed the opportunity to demoralize the
4286 patriots by recruiting one of their most able and popular commanders,
4287 personally supervised the negotiations. It is certain that on 23 May,
4288 Arnold sent Clinton information on Washington's troop movements and
4289 deployment. In late July, Clinton denied Arnold's request for a bounty of
4290 £10,000. On 26 January 1780 a court martial found Arnold guilty of
4291 mismanagement in Philadelphia and on 6 April, General Washington
4292 officially reprimanded Arnold. On 15 June he informed Clinton that he
4293 expected to be placed in command of West Point, a vital fortress
4294 commanding the Hudson River. On 12 July he wrote Major André,
4295 Clinton's adjutant, that he was prepared, upon receiving command, to
4296 surrender West Point to Clinton. On 5 August, Arnold officially took
4297 command of West Point and on 21 September, he met with André. On 23
4298 September, André was captured in civilian clothes (against Clinton's
4299 specific orders) along with incriminating papers. At this point Arnold was
4300 not under suspicion and the New York militiamen who had captured André
4301 sent word of André's plot to Arnold. Arnold fled to the British man o' war,
4302 *Vulture*. André was tried as a spy and executed on 30 September. Arnold

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4303 received £6315 in cash, an annual pension of £500 for his wife, the former
4304 Peggy Shippen, army commissions for his three sons by a previous
4305 marriage and annual pensions of £100 for Peggy's five children.

4306 Arnold led raids in Virginia between December 1780 and April 1781;
4307 and against New London, Connecticut, on 6 September 1781. Thomas
4308 Menzies of New York (1733-1831) had commanded a loyalist regiment,
4309 the American Legion,³³⁵ but yielded command to Arnold after the latter's
4310 defection.

4311 Some New York loyalist militia units raided into New England, especially
4312 into the coastal towns of Connecticut, during the most of the war, and in
4313 1780-81, into the Carolinas.³³⁶ Between December 1776 and October
4314 1779 tory militia from Kingsbridge and Flushing Fly served as troops of
4315 occupation in Rhode Island. Tory militia served with Lord Percy at
4316 Newport. In March 1778 Captain Michael Martin of Massachusetts formed
4317 a tory militia in Rhode Island under British protection and sponsorship.
4318 One of the more interesting tory militia units of the Revolution was
4319 Whitmore's Greencoats. The first important authority on the loyalists
4320 described this unit as being comprised of 127 "deserters and refugees
4321 from the Whigs." It was reported to be an occupation force in Rhode
4322 Island, but any other service is unknown.³³⁷

4323 Montefort Browne, former lieutenant-governor of West Florida, was
4324 commissioned a brigadier-general and given the charge in July 1776 to
4325 raise a militia regiment which he named Prince of Wales American
4326 Volunteers. Aided by Stephen Hoit of Norwalk, Connecticut, within a few
4327 months Browne had over 300 men. On 25 April 1777 Browne's militia
4328 joined Major-General William Tryon's expedition against Danbury,
4329 Connecticut. They lost 20 killed, 90 wounded and 20 captured, while
4330 destroying some patriot supplies. Tories joined Browne's force in large
4331 numbers during the summer of 1777 so that its strength was then
4332 recorded at 466 men. One group of wealthy gentlemen even declined
4333 pay. In August 1778 General Clinton arrived in Newport to relieve a
4334 patriot siege. He found that the patriots had left the day before he
4335 arrived, but he left a fresh tory militia, the Prince of Wales American
4336 Volunteers, in occupation of Newport. In the autumn of 1779 Colonel
4337 Thomas Pattinson became the new commander. At that time there were
4338 459 militiamen in the unit. Pattinson attacked patriot forces at Flushing
4339 Fly, Long Island, and then departed in April 1780 to assist loyalists in the
4340 Carolinas.

4341 A loyalist reporter presented the tory position early in the conflict,

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4342 immediately following the events of Lexington and Concord. The corres-
4343 pondent's hero extolled the virtues of his hero, General Timothy Ruggles
4344 (1711-1795).³³⁸ Ruggles had been a mandamus councillor who initially
4345 had taken refuge in Boston. He was Associate Justice of the
4346 Massachusetts Court of Common Pleas and a veteran of the Seven Years
4347 War. Ruggles had proposed creating associations of Royalists throughout
4348 the country with constitutions binding the signers to oppose at risk of life
4349 the acts of all unconstitutional assemblies, such as committees and
4350 congresses.³³⁹ Nothing came of his plan. Now a brigadier-general,
4351 Ruggles had fought with Sir William Johnson, joined John Johnson's sons'
4352 band of tories. Ruggles also attempted to recruit loyalist militia in Boston
4353 and fled the city when the British army left. He formed a loyalist militia
4354 of 300 men in Nova Scotia, although the unit saw little action in the war.³⁴⁰
4355 General Howe, while in Boston in 1775, raised the Royal American
4356 Associators under General Ruggles and the Loyal Irish Volunteers,
4357 commanded by Colonel Forest. These tory militia did guard duty in the
4358 city.

4359 The American correspondent of a London newspaper expressed his
4360 view that General Gage had been too lenient with the patriots and that
4361 had he given them a whiff of gunpowder early on, the whole rebellion
4362 might have been prevented.

4363 Brigadier General Ruggles of the Massachusetts, Colonel Babcock of Rhode
4364 Island and Colonel Fetch of Connecticut, are staunch to government; the
4365 first, you know commanded and was the senior officer in the provincial
4366 service with us under Sir Jeffery Amherst; the other Gentlemen are at the
4367 head of the provincials. Most of their officers that served last war are
4368 ready to serve under their old Colonels. I make no doubt things will wear
4369 a new face here, especially when your sentiments of the Ministry's
4370 firmness are authenticated. . . . Men of property, whom Most sensible
4371 people here, I should suppose, [are] interested as much as any in the
4372 matter, [and] are of this opinion, and say that one master is better than
4373 a thousand, and that they would rather be oppressed by a King than by
4374 a rascally mob. 'Tis not only reducing everybody to a level, but it is
4375 entirely reversing the matter, and making the mob their masters. . . . in
4376 America, the distinction between Whigs and Tories prevail as much at
4377 present as ever it did in England. Every man who will not drink
4378 destruction to his King, is a Tory, and liable to tar and feathers. In the
4379 east and southern provinces they are in actual rebellion, raising troops,
4380 and seizing ammunition in the most daring manner; the common people

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4381 are mad, they only hear one side of the question, and believe they are
4382 oppressed because they are told so, which is all they know of the matter.
4383 As the fever is very high, a little bleeding is absolutely necessary. General
4384 Gage is by far too lenient in his measures, and had a few been killed at
4385 first, the rest would have been quiet; now multitudes must unavoidably
4386 suffer. Was the royal standard hoisted, thousands would flock to it, that
4387 are as yet afraid to declare their sentiments. It is expected in a little time,
4388 and should it happen before we quit the continent, I would not be the last
4389 to repair to it. If I must light a match, it shall be for King George. I do
4390 not wish it but I think I would not shun it.³⁴¹

4391 New England may have been a hotbed of patriot agitation for indepen-
4392 dence, and the site of the first clash between English troops and patriot
4393 militiamen, but it also had its loyalists. Some of these Tories assisted New
4394 York loyalists in conducting raids against the smaller coastal towns of New
4395 England.³⁴²

4396 The first loyalist militia raised in the colonies was raised in the fall of
4397 1774 by Colonel Thomas Gilbert in Bristol County, Massachusetts, at the
4398 request of General Thomas Gage who had replaced Thomas Hutchinson
4399 as governor of the province. Gilbert was a veteran of the French and
4400 Indian War and a member of the provincial assembly. He was best known
4401 for his strong opposition to the Boston Tea Party of 1773, and introduced
4402 resolutions in the assembly condemning this as an act of treason and
4403 rebellion.³⁴³ In the autumn of 1774 he asked for and received 300 stands
4404 of arms from Gage for his militia which was stationed at Freetown. In
4405 March 1775 Gilbert wrote a letter to James Wallace, commander of the
4406 royal ship *Rose*, stating that he expected to be attacked at any moment
4407 by "thousands" of patriot militiamen, and asking for help when that attack
4408 came. Gage promised to send 300 men if needed. The letter to the *Rose*
4409 was intercepted and read in April before the Congress of Massachusetts
4410 which condemned Gilbert as an enemy of the province. Patriot militia
4411 attacked his house and took his militiamen prisoner. Gilbert escaped to
4412 the *Rose*. He then fled to Boston.³⁴⁴ The English press reported,

4413 One Colonel Gilbert, a high Prerogative man in Boston Government, . . .
4414 with 60 or 70 of his neighbors, armed himself; they agreed to defend
4415 themselves from the insults of the Sons of Liberty; but some Militia men,
4416 zealous in their cause, went in chase of them. The colonel took refuge on

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4417 board a man of war in the harbor. The others, except 20, made their
4418 escape; these 20 are now confined in Providence Gaol, where they were
4419 conducted yesterday evening. What will be the event, time must
4420 discover.³⁴⁵

4421 Shortly after the clash between British troops and American militia men
4422 at Lexington, loyalists flocked to Boston and joined there to create four
4423 militia organizations, Loyal Irish Volunteers, Loyal Associated Volunteers,
4424 Loyal North British Volunteers and Loyal American Associators, which
4425 cooperated closely with one another. Two of the leaders were Sir William
4426 Pepperrell³⁴⁶ and Colonel Abijah Willard of Worcester County. Pepperrell,
4427 a Harvard graduate and lawyer, fled to Boston and by late 1775 to
4428 England.³⁴⁷

4429 Patrick and James McMaster was merchants of Boston and Portsmouth,
4430 New Hampshire. In the five years prior to the Revolution they imported
4431 goods from Britain valued in excess of £15,000. They pledged a
4432 significant portion of their wealth to the Loyal North British Volunteers.
4433 The scheme failed and they departed, never to return to the colonies. In
4434 March 1776 Patrick left with the British troops to go to Halifax, Nova
4435 Scotia. James resettled in Shelburne, Nova Scotia, with a number of other
4436 merchants and professionals.³⁴⁸ Another leader of the Loyal North British
4437 Volunteers was William McAlpine, a printer and bookbinder who operated
4438 a large stationary store in Boston. Realizing that patriot spies had
4439 reported him and that he would be arrested after the British left, he
4440 accompanied them to Halifax and the moved to Scotland, leaving behind
4441 property valued at £1800.³⁴⁹

4442 James Forrest, a wealthy Boston merchant, not only recruited the
4443 loyalist company known as the Loyal Irish Volunteers, he financed it. He
4444 chose a white cockade worn in the hat as the militia company's
4445 distinguishing mark. Eventually it numbered 97 men who were assigned
4446 to evening and night guard duties in Boston. In 1776, while on a return
4447 voyage from the West Indies with military supplies, a patriot privateer
4448 captured Forrest who was imprisoned in Philadelphia.³⁵⁰

4449 The Loyal New England Militia consisted, at peak strength, of 112 men,
4450 divided into three companies and included a small group of tory militiamen
4451 from New Hampshire, Connecticut and Rhode Island.³⁵¹ It was
4452 commanded by Lieutenant-Colonel Wightman and was usually noted as in
4453 training on Long Island. On their first attempt to attack Bedford their boat

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4454 was blown off course and ended up at Falmouth instead. They bombarded
4455 the town, but did little damage. Their second attack was likewise
4456 unproductive, so on 19 June they withdrew to New York city.³⁵² At the end
4457 of March 1779 the Loyal Associated Refugees and other provincial loyalist
4458 militia under the command of Edward Winslow, and acting under general
4459 orders from British General Richard Prescott, prepared an attack on
4460 Bedford, Long Island. Additional loyalists militia deployed included
4461 Wentworth's Volunteers and the Loyal New England Militia [or Loyal New
4462 Englanders.

4463 Elisha Jones was the colonel of the Middlesex County militia and in
4464 1774 he commanded a troop of militia which opposed the patriots who
4465 were becoming active in his county. After Lexington he moved to Boston
4466 and worked with the loyalist militia. He left Boston with the British troops
4467 and was active in the New York loyalist militia. Most of his recruits were
4468 educated men, several being Harvard graduates. He helped train four
4469 companies of New York loyalist militia.³⁵³

4470 Crean Brush of Cumberland County, New Hampshire Grants, in January
4471 1776 approached Sir William Howe in Boston. Brush claimed that he could
4472 enlist at least 300 men in a tory militia and asked for arms, supplies and
4473 official authorization to do so. Howe agreed and on 10 March Howe
4474 instructed him to proceed with the confiscation of property of certain
4475 designated rebels. Brush and his militia carried their plunder onto Howe's
4476 ships in Boston harbor. Seeing Brush plundering in the name of the
4477 British government, other lawless elements joined in, not from conviction,
4478 but from the sheer delight of securing stolen merchandise. Quite a few
4479 warehouses, many not on Howe's list, were sacked in the final days of the
4480 siege of Boston harbor. Patriots captured one ship filled with plunder to
4481 the value of £100,000, the *Elizabeth*, and Brush himself. Brush was
4482 confined in jail for 19 months, ending the threat from his Tories.³⁵⁴

4483 In January 1775 Captain Nesbitt Balfour in Boston received word that
4484 a tory militia some 200 strong had formed in Marshfield. They were under
4485 threat of attack from patriots, so they requested arms and supplies from
4486 Balfour. On 23 January Balfour and 100 British troops marched to their
4487 relief. A few days after Lexington the militia and Balfour returned to
4488 Boston. Several thousand patriots pursued them, but the Tories and the
4489 British troops embarked on ships and, after the evacuation of Boston,
4490 went to Halifax.³⁵⁵

4491 In the spring of 1775 Lieutenant-Colonel Allen MacLead raised the
4492 Royal Highland Emigrants, a regiment of Scotch and old British soldiers,

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4493 which operated from Canada. Governor Tryon of New York, in 1776,
4494 recently promoted to provisional major general, raised a force of 1300
4495 men and a troop of light horse. His lieutenant-governor, Philip S. Kene (
4496 -1810), a surveyor by profession, and militia commander and hero of
4497 Crown Point in the Seven Years War, raised a loyal regiment of militia in
4498 the Philadelphia area.³⁵⁶ Henry Thomas (1746-1828) recruited and
4499 commanded another troop of loyalist militia.³⁵⁷ A former judge of the
4500 Court of Common Pleas, Elijah Miles (1752-1831), served as a tory militia
4501 colonel, working with DeLancey's Third Battalion.³⁵⁸ Lieutenant-colonel
4502 John Turnbull commanded the New York Volunteers, also called the Third
4503 American Loyal Regiment. He and his militia distinguished themselves at
4504 the Siege of Savannah in 1779 and in 1780 at Rocky Mount, North
4505 Carolina, and Ninety-Six, North Carolina.³⁵⁹

4506 When General John Burgoyne invaded New York he brought with him
4507 Jessup's Corps of Loyal Militia which operated from Canada into New York.
4508 Peter's Loyalists' Corps took part in the Battle of Bennington. Barry St.
4509 Leger, in his advance on Albany, brought with him Johnson's Royal
4510 Greens.³⁶⁰

4511 In mid-July 1776 a British naval officer, Captain John Bowater, aboard
4512 H. M. S. *Centurion* reported that "Governor Tryon landed and has
4513 summoned the Militia who has sent their arms to him on Board [H.M.S.
4514 *Duchess of Gordon*] lest they should fall into the hands of the Rebels."
4515 Nonetheless, Bowater thought the Tory militia "now emboldened and in
4516 high spirits." The patriots "are said to have 40,000 Men in Arms, but I
4517 don't give them credit for half that number." Many of the first rebels
4518 "desert to us hourly and what is better still, they bring their arms with
4519 them." The reason was simple. "General Howe has let them know that
4520 he will give a £10 Reward for Rifle guns."³⁶¹ In the winter of 1776 another
4521 naval officer, Lieutenant William Fielding, recorded that in November 1776
4522 "two light companies of militia under Major Batt, Royal F Americans, sailed
4523 out at 5 o'clock in the morning [from Halifax] and surprised the Banditti
4524 Rebels and Indians in their Camp" on Long Island.³⁶²

4525 Benjamin Thompson organized on Long Island and commanded the
4526 King's American Dragoons in 1780. Later, he raised the Loyal American
4527 Regiment which he took to Charleston where he attempted to neutralize
4528 Francis Marion's partisans. Colonel Edmund Fanning formed on Long
4529 Island a provisional regiment of 460 men called the Associated Refugees
4530 which operated around Huntington.³⁶³

4531 One of the most distinguished Loyalists corps was the Queen's Rangers,

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4532 originally raised in New York and Connecticut by the old frontier ranger of
4533 the Seven Years War, Major Robert Rogers. Rogers made several
4534 attempts to secure a commission from the patriots, although the exact
4535 details are unknown. In early 1776 Rogers offered to raise a loyal
4536 regiment to be called the Queen's Rangers. Rogers, following established
4537 colonial policy, offered commissions to any man who could recruit a
4538 specified number of men. Regular army commanders objected, arguing
4539 that there was no proof that any of Rogers' officers were qualified to
4540 command men in battle. The unit first mustered on Staten Island, New
4541 York, in August 1776. It drew heavily on loyalists from New York, New
4542 Hampshire and Connecticut.³⁶⁴ Rogers' fame helped him recruit over 400
4543 men. Under extreme pressure from British command, he was eventually
4544 forced to resign and 23 of his officers were relieved of duties. Rogers
4545 went into retirement in England. His militia, under Major John Graves
4546 Simcoe, joined Howe in Philadelphia. It was part of Howe's force at the
4547 Battle of Germantown.³⁶⁵ The Queen's Rangers was later commanded by
4548 colonels French and Wemyss.³⁶⁶

4549 Lieutenant-Colonel John Graves Simcoe succeeded Rogers as the
4550 commandant of the Queen's Rangers. This corps claimed the exclusive
4551 privilege of recruiting in addition to Americans, the "old countrymen" as
4552 Europeans were then called, and many American deserters were found in
4553 its ranks. First it was an infantry Organization but Simcoe formed a troop
4554 of hussars. The foot were distinguished by their green coats and white
4555 breeches; the hussars were entirely in green, armed with swords, pistols
4556 and daggers. This corps while operating around Philadelphia in 1777 had
4557 270 foot and 30 horse and they also had an Amulette, a piece of artillery
4558 already described. They were with the Charleston expedition and were
4559 with Benedict Arnold in Virginia; surrendering at Yorktown with a strength
4560 of 39 officers and 273 men.³⁶⁷

4561 To neutralize the power of the loyalists, several New York patriot
4562 organizations ordered seizure of arms owned by suspected tories. These
4563 arms were issued to patriot militias, although the committees at least
4564 initially intended to pay for the arms. At this point their purpose was more
4565 the disarmament of the tories than the confiscation of their property.³⁶⁸
4566 In the autumn of 1776 Brigadier-General Timothy Ruggles of Halifax
4567 began training tory militia on Long Island and Staten Island. He claimed
4568 to have between three and four hundred recruits. Two tory militia
4569 regiments, recruited in large in New York, were sent to the West Indies in
4570 1777. They were especially successful under Banastre Tarleton's
4571 leadership in the Carolinas. Three large tory militia detachments served
4572 in the autumn of 1778 in Georgia. By early 1779 four additional Tory

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4573 militia regiments had gathered in British Florida and then joined the tory
4574 militia already stationed in Georgia.

4575 John Johnson, son of Sir William Johnson, raised in Canada the King's
4576 Royal American Regiment of two battalions, each consisting of 500 men.³⁶⁹
4577 New York contained many Loyalists. Thomas Millidge (1735-1816),
4578 former surveyor-general of New Jersey, served as a major in loyalist
4579 militia.³⁷⁰ The King's Royal American Regiment had recruited a number of
4580 Mohawk Indians. The impact, brutality and fury of their raids compelled
4581 Washington to send General John Sullivan into the Indian country to
4582 neutralize them.

4583 General Burgoyne invaded New York in the late spring 1777 from
4584 Canada, planning to descend the St. Lawrence River, cross Lake Ontario
4585 and advance through the Mohawk Valley on Albany. "Gentleman
4586 Johnny's" army of 3700 men included over 300 loyalist and Canadian
4587 militiamen and a large group of Amerindians. One of the primary reason
4588 for Burgoyne's defeat was his failure to make connections with Barry St.
4589 Ledger's tory militia, and to utilize properly other loyalist militia. St.
4590 Ledger commanded a force of about 1800, primarily loyalists and
4591 Amerindians, who were advancing from Oswego on Lake Ontario
4592 westward. On 3 August St. Ledger's force surrounded Fort Stanwix where
4593 Colonel Peter Gansevoort (1749-1812) commanded a force of 750 militia
4594 and regulars. General Nicholas Herkimer (1728-1777) led a relief force
4595 of 800 militiamen toward Fort Stanwix, but on 6 August at Oriskany it was
4596 ambushed by a mixed force of loyalists and Amerindians led by Mohawk
4597 sachem Joseph Brant (1742-1807). In this, Brant was aided by a
4598 Dutchman, Barent Frey, who was influential with the Mohawks.³⁷¹
4599 Herkimer was wounded almost immediately, but took the high ground and
4600 fought effectively. The battle attracted Gansevoort's attention and he
4601 made a sortie from the fort. The Amerindians retreated and Herkimer
4602 withdrew, with his force reduced by half. Benedict Arnold raised a force
4603 of 1000 volunteers and soon after St. Ledger called off the attack at Fort
4604 Stanwix, retreating to Oswego on 22 August. On 17 October 1778
4605 Burgoyne surrendered his remaining force of 5700 men. Among those of
4606 Brant's recruits killed was Charles Smith, a notorious renegade. Smith
4607 was scalped and the trophy was sent to General John Stark.³⁷²

4608 There were, in fact, numerous loyalist militiamen awaiting orders in the
4609 upper Connecticut Valley.³⁷³ Loyalist militia had conducted raids in the
4610 backwoods of Vermont and New Hampshire.³⁷⁴ There were many Tories
4611 in the Upper Connecticut River Valley, in or near Claremont and Haver-
4612 hill.³⁷⁵ There the Church of England was established in opposition to

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4613 calvinistic teachings found elsewhere in New England. Among the leaders
4614 of loyalism were Samuel Cole and Ranna Cossit, both Episcopal priests.
4615 By November 1775 the Provincial Congress at Exeter had heard of the tory
4616 activities and had ordered the Committee of Safety of Claremont to
4617 "Examine sundry Persons who were suspected of being inimical to the
4618 Liberties of America." The local committee sought and received help from
4619 the neighboring towns of Hanover, Cornish and Lebanon. The Committee
4620 interrogated 26 suspected tory leaders and they agreed to surrender their
4621 firearms and ammunition. The initial intimidation of potential tory
4622 leadership did much to prevent significant tory action and recruitment of
4623 tory militiamen.³⁷⁶

4624 As the home government had suggested to Canadian Governor Guy
4625 Carleton, it would be highly desirable to create a diversion on the frontier,
4626 to bring great pressures on the national government of the rebellious
4627 colonies and to squeeze the already hyper-extended resources of the
4628 Continental Army. Amerindian and tory raids on the vast frontier offered
4629 a most desirable and relatively inexpensive way to implement this policy
4630 decision. English presents and offers of virtually unlimited supplies and
4631 firearms enticed the Six Nations. Colonel Guy Johnson returned from
4632 England, bringing the arms, gunpowder and other gifts and supplies as
4633 promised. Colonel John Butler and Sir John Johnson had spun their web
4634 well and the Indians chose to take the war path. Butler, meanwhile, had
4635 been equally active among the Tories, talking with and enlisting both
4636 those still in the new nation and those who had already fled to Canada.
4637 With the armament of the mixed tory and Amerindian completed, Butler
4638 sortied out in late 1777, staging at first only sporadic raids in New York
4639 and Pennsylvania. With increasing intensity these raids would continue for
4640 five years and had the desired effect.

4641 In March 1777 Butler received the long-awaited permission of Governor
4642 Carleton to form the Tory militia. He recruited its membership primarily
4643 from among the loyalist refugees. Recruitment was bolstered by
4644 Carleton's offer of a bounty to all who enlisted, including 200 acres of
4645 land. In September Butler added six companies of Tory rangers to his
4646 marauding Amerindian band.³⁷⁷ By September 1781 Butler had recruited
4647 no less than ten companies of Tory rangers.³⁷⁸

4648 Butler surmised that his greatest chance of success lay in moving into
4649 the two areas known to harbor the largest number of loyalists and to
4650 recruit among these people to augment his strength. Moreover, loyalists
4651 in these areas would be likely to provide supplies. In the Wyoming Valley
4652 in northeast Pennsylvania there had been a bloody and bitter confrontation

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4653 between Connecticut and Pennsylvania authorities over ownership of the
4654 land. Tories in this area usually identified with Pennsylvania's claims over
4655 the ardent Connecticut patriots. In the southwestern corner the dispute
4656 over land title involved Pennsylvania and Virginia. Those who had
4657 identified with Virginia often refused to sign the oath of allegiance to
4658 Pennsylvania and thus were marked as Tories. The disputes had been
4659 settled but there was still much disaffection among those who lost land
4660 titles and who otherwise suffered from the settlements.³⁷⁹ Butler received
4661 support from Colonel William Plunkett, an Irish robber who had found
4662 safety in America about 1750. His base of activity was Sunbury,
4663 Northumberland County, Pennsylvania.³⁸⁰

4664 In the summer of 1778 Butler and the Johnsons felt sufficiently
4665 confident in their force to begin to wage real war. Between 3 July and 11
4666 November 1778 Sir John Butler and Sir John Johnson led a mixed force of
4667 Indians and tory militia against the white settlers of New York and
4668 Pennsylvania. The attack originated on the New York frontier, and quickly
4669 turned south into Pennsylvania. In a major sweep through the Wyoming
4670 Valley of Pennsylvania, Butler's men killed hundreds of settlers and their
4671 families. On 3 July the Battle of Wyoming, known better to patriots as the
4672 Wyoming Massacre, took place with a resultant heavy loss of life among
4673 the patriot settlers.³⁸¹ On 11 November the Johnson's force, which
4674 included Joseph Brant's Indians of the Six Nations, destroyed settlements
4675 in the Cherry Valley, New York, massacring 40 persons after they had
4676 surrendered. The war was so intense that Congress diverted badly
4677 needed troops from the main war effort to come to the rescue of the
4678 beleaguered settlers. It dispatched General John Sullivan in the summer
4679 of 1779 to contain the Tory militias and their Amerindian allies. On 26
4680 August 1779 Sullivan met the enemy forces near present day Elmira, New
4681 York, and defeated them soundly. He also burned forty Indian villages
4682 and destroyed an estimated 160,000 bushels of corn.³⁸²

4683 In New York city a considerable number of loyalists served as
4684 militiamen, primarily deployed in garrison duty in and around the city in
4685 forts, redoubts and checkpoints. Some were Tories who had fled Boston
4686 with Howe's army and now operated in and around New York city. In
4687 March 1777 Lord Howe commissioned Colonel George Wightman of Rhode
4688 Island to raise a regiment of Loyal New England Militia in New York.
4689 Edward Winslow raised a tory militia in Rhode Island in March 1779 in
4690 association with James Clarke of Rhode Island and George Leonard of
4691 Massachusetts. It was called the Loyal Associated Refugees. Clarke was
4692 secretary for the Association of Loyal Refugees, formed at Newport, Rhode
4693 Island, in March 1779 to "retaliate upon and make reprisal against the

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4694 inhabitants of the several Provinces in America in actual rebellion against
4695 their Sovereign." He worked with the British commander in Rhode Island,
4696 issuing commissions in the militia.³⁸³ Winslow formed a loyalist naval
4697 militia late in the war. During the summer and autumn of 1779 it was
4698 responsible for capturing 18 vessels, 10 of which were loaded with
4699 supplies the patriots sorely needed. They also reported having seized
4700 3000 heads of livestock and captured 35 patriots. They sold their plunder
4701 for £23,400.³⁸⁴

4702

Toryism in the Middle Colonies

The Unalienable Rights

4703 The middle colonies had a substantial loyalist population. Several
4704 prominent loyalists, including Daniel Leonard, drew up a plan for establish-
4705 ing a loyalist stronghold on the eastern seaboard. Leonard was a
4706 prominent, if aristocratic, Boston lawyer and was one of the most able and
4707 literate of the loyalists. He had expounded the tory cause in a series of
4708 papers addressed to "the Inhabitants of the Province of Massachusetts"
4709 and signed with the pen name *Massachusettsensis*. His arguments were
4710 drawn heavily on Thomas Hobbes. John Adams had considered these
4711 papers worthy of his attention and had responded in papers signed *Novan-*
4712 *glus*. Should such a safe haven be created, with peace guaranteed by the
4713 British army backed by tory militia, Leonard believed that many loyalists
4714 would defect and enter the safe zone and there be gathered as his
4715 majesty's loyal subjects.³⁸⁵ Leonard considered several sites for his
4716 loyalist community, among them the eastern shore of Maryland, Delaware
4717 and the greater Philadelphia area. The first key ingredient was a
4718 successful British invasion of the chosen area. Second, the British must
4719 secure the area so that all Tories could gather organize in an atmosphere
4720 of relative security. Third, the British must transport known loyalists from
4721 other areas and resettle them in the secure zone. Finally, the loyalists
4722 must themselves form a strong protective wing, a powerful and well-
4723 armed militia. The plan suggested that a minimum number of militia
4724 would have to be 10,000 to 12,000 men.³⁸⁶

4725 There were about 5000 tories in New Jersey during the Revolution, of
4726 which about 1200 were determined to have openly aided, or fought for,
4727 the enemy.³⁸⁷ This was one of the largest and most influential loyalist
4728 groups of loyalists in the new nation.³⁸⁸ There had been no sharp class
4729 distinctions or incidents of abuses by the wealthier citizens, so most

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4730 inhabitants were neither disposed to support independence nor exert
4731 themselves to preserve union. As in most colonies, citizens chose sides
4732 merely on whim of the moment, according to successes of one or another
4733 side, or because of friendships and other loyalties.³⁸⁹ There is strong
4734 evidence that in some counties, such as Bergen, that loyalists may have
4735 constituted a majority of the population.³⁹⁰

4736 As late as July 1774 the colony's political leadership was loyalist in
4737 sympathy. A state convention called to nominate delegates to the
4738 Continental Congress on 21 to 23 July resolved that the people "are, and
4739 ever have been, firm and unshaken in their loyalty" to the crown. Further,
4740 they "detest all thoughts of an independence" from the mother country.³⁹¹
4741 Governor William Franklin, natural son of Benjamin Franklin, became
4742 irrevocably alienated from his father over the issue of independence.
4743 Franklin's addresses of 3 and 13 February 1775 renewed the state's oath
4744 of loyalty to the crown.³⁹² As late as 30 November 1775 the Assembly
4745 pledged its commitment to reconciliation with England, and expressed a
4746 desire to retain and support Franklin as the legitimate executive. By 13
4747 January 1776, the legislature had debated disarming loyalists and to take
4748 into custody those who refused to sign an oath of loyalty or report for duty
4749 in the state's patriot militia. Soon, loyalist property was confiscated and
4750 those persons joining tory militias or the British army were to be treated
4751 as traitors.³⁹³

4752 New Jersey was a major battleground in the earliest years of the war,
4753 as Howe chased Washington's army deeper into the state. As Washington
4754 retreated, loyalism became more evident. In 1776 Washington noted that
4755 incidents of desertion from his army were greatest among troops from
4756 New Jersey because the men from that state frequently changed loyalties,
4757 perhaps under great pressures from home.³⁹⁴ By laws of 1777 and 1782
4758 any person entering an enemy camp, or otherwise holding conversation
4759 with the enemy, without high level, explicit permission might be sentenced
4760 to death.³⁹⁵ On 27 June 1777 the Council of Safety ordered that wives and
4761 dependents of loyalist militiamen and other persons detained for
4762 suspicious activities be deported to British lines, from which they were to
4763 leave America.³⁹⁶

4764 Defections may have still greater at later dates had it not been that
4765 both the British and Hessian troops stationed in the state committed such
4766 great and well publicized outrages against both the patriot army and the
4767 civilian population. Even friends of the king complained of many outrages
4768 having been perpetrated against them by troops they considered to be "on
4769 their side."³⁹⁷ Later, as the focus of the war shifted south, and the British

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4770 army no longer shielded the tories, loyalism in New Jersey receded.

4771 In 1780 William Franklin³⁹⁸ organized a loyalist association which
4772 operated independent of British military control. It was called The
4773 Honorable Board of Associated Loyalists. William Franklin recruited
4774 several of his royal authorities to form loyalist militias, including his former
4775 Attorney-general Cortlandt Skinner (1728-1799). Skinner attempted to
4776 recruit 2500 loyalists, offering the men the opportunity to elect their own
4777 officers. This force was well armed at government expense, but they
4778 clothed and equipped themselves. They raided the shores of Long Island,
4779 Connecticut, and New Jersey, and owned many sloops, whale boats, and
4780 private men of war. They formed three distinct corps, one of which was
4781 mounted. Skinner's New Jersey Volunteers was the largest of the tory
4782 militias.³⁹⁹

The Unalienable Rights

4783 Governor Franklin commissioned Colonel Van Dyke to raise a loyalist
4784 militia in New Jersey. Van Dyke signed 306 men.⁴⁰⁰ John Coombs (1753-
4785 1827), a second lieutenant in the British army, was a recruiter for the New
4786 Jersey loyalist, raising volunteers for the First New Jersey Loyalist
4787 Volunteers. James Cogle (1746-1819) of Pennsylvania, a former officer
4788 in the militia, served as captain of the New Jersey Loyalist Volunteers.⁴⁰¹
4789 Robert Drummond (-1789) was commissioned a major in the Second New
4790 Jersey Volunteers. He recruited some 200 of his neighbors into tory
4791 militia units. Many of them later served as volunteers in South Carolina
4792 and Georgia, raiding out of Florida.⁴⁰² John Purvis (1757-1811) was
4793 initially commissioned to raise two companies of Whig militia, but decided
4794 to desert, leading most of his men to the tory side.⁴⁰³ Tory efforts in New
4795 Jersey received unexpected support from a mulatto slave named Titus,
4796 called Captain Tye, once the property of John Corlies. Titus recruited a
4797 band of about 60 raiders. He died of wounds received in raids in 1778.⁴⁰⁴

4798 It had been home government policy from the beginning to try to draw
4799 Washington's army into one large, hopefully decisive, battle. It was
4800 equally Washington's policy to prevent such a massive confrontation and
4801 to fight a prolonged war of attrition. Having failed to entrap and confront
4802 the patriot army, on 23 January 1779 Lord George Germain instructed Sir
4803 Henry Clinton to attempt to restrict Washington's army to the wilderness.
4804 The home government expressed the greatest concern for the safety of
4805 the loyalists and ordered Clinton to try to secure safe haven for them on
4806 the eastern seaboard, especially in the cities and in New Jersey and Dela-
4807 ware.⁴⁰⁵

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4808

Tories in the Middle and Southern States

4809 Incidents of tory activity in Pennsylvania were highest in the backwoods
4810 where loyalists were uncommonly successful in enlisting the assistance of
4811 several Indian traders and general renegades; and on the eastern
4812 seaboard, especially among Philadelphia merchants. On the other hand,
4813 the long tradition of religious freedom and ethnic diversity, especially
4814 including Germans of Calvinist orientation, worked against toryism.
4815 Because it had always been a proprietary colony, Pennsylvania had only
4816 a partially pre-formed royalist political party. The proprietary party was
4817 led at the time of the revolution by John Dickinson, an ardent patriot; and
4818 Benjamin Franklin, another dedicated whig, was the most influential
4819 political figure in the colony. During the two decades preceding the war
4820 for independence, most influential inhabitants opposed British crown
4821 policy. One main ingredient in Pennsylvania toryism, which grew as the
4822 war dragged on, was the idea of establishing a tory safe haven
4823 somewhere along the eastern seaboard.

4824 Many loyalists from Philadelphia and the contiguous counties of New
4825 Jersey had welcomed the British occupation of the Quaker city in 1777.
4826 The Friends had generally not expressed any preference for one
4827 government over the other. The loyalists and many neutrals had suffered
4828 enormously when the British withdrew from Philadelphia.⁴⁰⁶ Those who
4829 evacuated with the English lost all they had left behind; and many who
4830 stayed found themselves being attainted by the provisional legislature.

4831 Loyalism in urban Pennsylvania was, as a general rule, more
4832 intellectual than practical. The state produced some of the best and most
4833 subtle loyalist minds of the period. Many religious and other dissenters,
4834 in refusing to sign an oath of allegiance, were categorized as loyalists, and
4835 thus as traitors, when, in reality, they were politically neutral. Some
4836 patriots adopted the simplistic view of pamphleteer Thomas Paine, that
4837 those who were not with the patriots were necessarily opposed to them
4838 and thus were their enemies and must be punished.⁴⁰⁷ This silly argument
4839 forced some fine citizens to flee with the British or to be needlessly and
4840 unjustly black-balled and ostracized. Others, angered by the pressures,
4841 reacted by joining and supporting the loyalists.

4842 At the beginning of the war for independence the most prominent tory
4843 leader was Joseph Galloway (1731-1803). During the Seven Years War,
4844 Galloway had united strongly with Franklin in seeking royal instead of

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4845 proprietary government in Pennsylvania. Their party had dominated the
4846 colony's politics between 1763 and 1775. A former speaker of the
4847 Pennsylvania Assembly and delegate to First Continental Congress,
4848 Galloway⁴⁰⁸ concluded that the colonial leaders would settle for nothing
4849 less than full independence and he preferred submission to Parliament to
4850 the destruction of ties with England. He advocated the establishment of
4851 a tory haven, following Daniel Leonard's suggestion. He proposed a loose
4852 association in his "Plan for a Proposed Union between Great Britain and
4853 the Colonies," which drew heavily on Franklin's Albany Plan.⁴⁰⁹ Galloway
4854 had assisted the British army of occupation in 1777 in Philadelphia,
4855 pointing out patriots and recruiting loyalists. He had also given them
4856 military, economic and political advice. At one point during the occupation
4857 Galloway had claimed that he could raise 10,000 tory militiamen in and
4858 around Philadelphia if the British army would assist in getting it set up and
4859 then supplying them with arms, supplies and money.⁴¹⁰ The prominence
4860 of Galloway in Pennsylvania and Leonard in the north lent much credence
4861 and popular support to this idea and helped to draw into the conspiracy a
4862 number of less-prominent tory militia leaders.

4863 Galloway had complained bitterly that he had received virtually no
4864 support from British authorities while they were occupied Philadelphia, and
4865 that many troops, especially Hessians who read no English, had hassled
4866 loyalists as badly as they had the patriots. The plan for a stronghold
4867 would work only in the loyalists enjoyed the full protection and support of
4868 the British authorities. Galloway found new reason for complaint when Sir
4869 Henry Clinton decided to evacuate his army of occupation from Philadel-
4870 phia. Galloway was certain that, had he enjoyed Clinton's full support,
4871 within a year he would have recruited and armed sufficient loyalist
4872 militiamen to carry out his plan. If Clinton had only waited another year
4873 before withdrawing from Philadelphia he would have left in full control by
4874 proxy of one of the most troublesome and strategically important areas of
4875 the colonies.

4876 Both Galloway and the Home Office had decided that Britain's best
4877 opportunity for pacification lay in reconquering the colonies piecemeal,
4878 beginning with areas with the greatest tory concentrations. What they
4879 differed on was which area should be selected first. Galloway believed
4880 that the continued occupation of Philadelphia would have been a more
4881 much more wise than the invasion of the Carolinas and Virginia. The
4882 Home Office, for reasons best known to it, decided instead on seeking
4883 loyalist support in the southern colonies and establishing there, instead of
4884 in the middle colonies, the king's peace. Galloway argued that the
4885 primary reason Lord Cornwallis had experienced difficulties in recruiting

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4886 loyalist militia in 1780 in the southern colonies was the general and
4887 widespread knowledge of his abandonment of the loyalists in Philadelphia
4888 in 1777.⁴¹¹

4889 Galloway returned to his initial plan of union between the thirteen
4890 colonies and Great Britain in 1778 and 1779. He began with the premise
4891 that the American people were weary of the war and would welcome any
4892 reasonable proposal of peace and reconciliation. If a good peace plan was
4893 combined with the formation of a strong tory militia system the war could
4894 terminate. The political part of his program was simple. Britain would
4895 offer a written constitution with a legislature and a bill of rights. The civil
4896 government would be guaranteed by the tory militia.⁴¹²

4897 John Smyth,⁴¹³ a friend and associate of Galloway, offered a more
4898 detailed program for creating a tory safe area. He suggested moving a
4899 sufficient naval force into the Chesapeake Bay. A fully funded and
4900 equipped loyalist militia system covering the seaboard areas of New
4901 Jersey, Pennsylvania, Maryland, New York and Delaware, would enlist
4902 upward of 12,000 men. The regular officers would select, say, 8000 of
4903 the best and train them completely. Select militiamen and British, but not
4904 Hessian mercenary, troops would board the fleet, strike at selected patriot
4905 ports and towns, and reconquer certain areas. The bulk of the tory militia
4906 would then land and act as occupation troops. None of the friction that
4907 accompanied the previous occupations, such as in Boston and
4908 Philadelphia, would be found here, since the peace-keepers would be
4909 sympathetic fellow Americans. The middle colonies would be liberated
4910 first, followed by New York, and finally the southern colonies. New
4911 England would then capitulate without a British invasion. The patriots
4912 would be isolated in the hinterland, cut off from supplies and from their
4913 French allies. They would either collapse after a slow death or offer to do
4914 battle and have it all over with quickly. In any event the days of rebellion
4915 would soon be ended. Smyth was willing to subject the New England
4916 colonists to a long period of tory militia occupation "with a rod of iron"
4917 because that area had been the seat of the treason.⁴¹⁴

4918 Urban Pennsylvania loyalists numbered in the thousands and often
4919 collaborated with loyalist Amerindians in attacking frontier outposts and
4920 isolated settlements. English officers enlisted many willing recruits who
4921 were either motivated by loyalty to the crown or by the hard currency
4922 offered by English recruiting officers. Rosters of three troops of loyalist
4923 Pennsylvania militiamen were discovered in 1910.⁴¹⁵ There were many
4924 collaborators in Philadelphia during the British occupation of that city,
4925 including merchants who sold goods that might have helped General

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4926 Washington during the awful winter at Valley Forge. They preferred to
4927 receive English hard coin and uninflated currency rather than take a risk
4928 by receiving inflated colonial currency and promissory notes of dubious
4929 value.⁴¹⁶

4930 In Philadelphia a recently arrived comb maker named Isaac Atwood
4931 headed one of the largest and most influential bands of Tories. John
4932 Kersey, a physician and surgeon who had lived in Philadelphia for about
4933 forty years, introduced Atwood to the loyalist circles. The active core
4934 counted about fifty Tories, but they boasted that, had they the arms, they
4935 could soon raise 3000 men who would collaborate with the British army.
4936 Their scheme never got much beyond the planning and wishful stage.⁴¹⁷
4937 One Tory who carried his designs into execution was James Molesworth.
4938 He was caught trying to recruit loyalist river pilots to guide British troop
4939 ships up the Delaware River. He was the first man to be tried and
4940 convicted and hanged as a spy in Pennsylvania.⁴¹⁸

4941 James Humphreys, Jr., a former minor functionary⁴¹⁹ in colonial govern-
4942 ment, published a staunchly loyalist newspaper in Philadelphia. The
4943 British recruited loyalist militiamen using advertisements and editorials in
4944 Humphreys' *Pennsylvania Ledger*.⁴²⁰ Humphreys was an ardent Protestant
4945 as well as loyalist and strongly opposed the patriot alliance with Roman
4946 Catholic France. He reported some of the more interesting lies to be
4947 found among the Tories. For example, he reported that an American
4948 attack on British forces in Rhode Island had been abandoned because the
4949 militiamen threatened to shoot their officers if they were forced to fight
4950 their English Protestant brethren.⁴²¹ He worked hard at seducing American
4951 militiamen to desert, especially in the winter of 1777-78, when reported
4952 the awful suffering of the patriot forces outside Philadelphia. Certainly
4953 some of his reports and interviews were based in fact, but others were
4954 quite fanciful.⁴²² He reported that the 5000 volunteer militia recruited by
4955 North Carolina Governor Caswell for relief of General Washington's
4956 beleaguered forces had either deserted or were far under the strength
4957 reported in the American press.⁴²³ He reported that Caswell and all other
4958 patriot governors and other political authorities were having to use force
4959 to recruit militiamen and that they refused to deploy them out of fear of
4960 open rebellion.⁴²⁴ He also reported that the Pennsylvania militia was filled
4961 with bandits, pirates and other undesirables. An example of their pillage
4962 and rapine was the burning of the home of British General de Lancey.⁴²⁵
4963 By February 1778, Humphreys reported, over 40,000 rebels had died
4964 either in battle or of disease in camp.⁴²⁶ The last issue of the *Ledger* was
4965 23 May 1778.

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4966 Eventually, the Pennsylvania Supreme Court had to decide how tories
4967 were to be treated. Were they prisoners of war or traitors and criminals?
4968 If they were on the water, were they pirates? The court decided that
4969 those who had not taken the oath of loyalty to the new nation who were
4970 captured were prisoners of war. The court held that a man was free to
4971 choose to join the new political entity or remain loyal to his previous
4972 national commitment. The war was civil, not foreign as the patriots had
4973 claimed. Thus, no man was legally obligated to renounce his former
4974 loyalty and pledge obedience to the new regime. Only those who had
4975 taken the oath of loyalty to the new government could be treated as a
4976 traitor.

4977 Judge C. J. McKean wrote his opinion to President Reed. It is unclear
4978 precisely when the new government began to function, but the king's
4979 authority had ceased to exist no later than 14 May 1776. "Treason, being
4980 an offense against Government and tending to its dissolution, could not be
4981 committee in Pennsylvania until a new Government was formed, and then
4982 [only] by persons owing allegiance thereto." No charges of treason could
4983 be brought without appropriate legislation. The Convention had
4984 established an ordinance treating of treason, "but as they were chosen by
4985 the people for another purpose, and I do not find that their Ordinance has
4986 since confirmed or recognized by the legislature" the Convention's action
4987 was invalid.⁴²⁷ In the final analysis, McKean thought,

4988 Upon the whole I think it the safer course in so unprecedented and
4989 doubtful a case to consider all the late inhabitants of this State taken in
4990 open war as enemies and prisoners of war, who did not on the eleventh
4991 day of February 1777, or since, owe allegiance to this State, as Treason
4992 was not accurately defined or declared by the Legislature until that period.

4993 Pennsylvania did prosecute and execute tories who waged war against
4994 the state, usually under laws covering theft and robbery, wanton murder,
4995 rapine and pillaging for McKean's opinion did not extend to their exclusion
4996 or defense. Certain inhuman acts, including the above plus piracy in its
4997 various forms, were punishable under English common and statute law
4998 and the nation of nature and nations. One prominent tory marauder who
4999 was hanged was James Fitzpatrick, executed in 1778 after being convicted
5000 of burglary and larceny.⁴²⁸

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5001 British successes near Philadelphia in 1777 gave courage to some
5002 Pennsylvania loyalists. On 11 September Howe's British army defeated
5003 Washington at the Battle of Brandywine, and, fifteen days later, contained
5004 the whig counter-attack at the Battle of Germantown. Howe then
5005 occupied the city while Washington's little army was encamped in the
5006 Valley Forge. Howe entertained the cream of Philadelphia society while
5007 Washington suffered enormously. Still, for strategic reasons, Howe
5008 abandoned Philadelphia in June 1778, and most Pennsylvania Tories
5009 withdrew with him. Tory activity on the seaboard came to a virtual
5010 standstill and the scene shifted to the frontier where Tories worked with
5011 Amerindians.

5012 Successes and failures of loyalist efforts in western Pennsylvania were
5013 directly tied to the dealings and intrigues of these several Indian traders.
5014 If the British were to have success on the western frontier, Tory militia
5015 would have to ally with large numbers of Amerindian warriors. In the
5016 western part of Pennsylvania the infamous Girty family of Indian traders
5017 and Alexander McKee and Matthew Elliott, also traders, led the Tory
5018 efforts to recruit a loyalist militia. Butler especially wanted to recruit
5019 Alexander McKee into the Tory cause because he believed that no man
5020 knew the Delaware and Wyandots [Hurons] better than McKee. If anyone
5021 could bring them into the war on the same side as their traditional
5022 enemies the Six Nations it was McKee. Butler had a prime prize to offer
5023 McKee: the superintendency of Amerindian affairs.⁴²⁹

5024 Alexander McKee was a son of Thomas McKee (-1755). He also had
5025 a son named Thomas who was a trader among the Ohio Indians. From 17
5026 October through 24 October 1767 Alexander McKee was a clerk for
5027 Baynton, Wharton & Morgan at Fort Pitt. He compiled a list, on orders
5028 from Colonel Bouquet, of traders taken by French Indians in Ohio. In
5029 1769 McKee owned 300 acres near Fort Pitt. In 1771 Alexander McKee
5030 was a justice of the Court of Quarter Sessions in Bedford County,
5031 Pennsylvania; in 1773 he held the same judicial post in Westmoreland
5032 County, Pennsylvania. In 1774 he served as deputy Indian agent with Sir
5033 William Johnson in New York. As early as 1768 he had been an Indian
5034 trader at Fort Pitt in partnership with Alexander Ross. In April 1776
5035 McKee was accused of Loyalist leanings and ordered to no longer
5036 represent patriot interests among the Amerindians. He was accused of
5037 being on a secret payroll of Lieutenant Governor Hamilton of Detroit. The
5038 accusation soon extended to a reported plot in which McKee was allegedly
5039 involved to surrender Fort Pitt to the Tories. After an abortive Tory
5040 uprising at Redstone Fort [Brownsville], General Hand ordered McKee to
5041 report to take the oath of loyalty to the colonies, which he did. Hand

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5042 trusted McKee, but others did not. Hand ordered McKee to report to him
5043 at York, but McKee deserted his land holdings in Lancaster County and
5044 moved to Pittsburgh where he had extensive business investments.
5045 Exasperated at the refusal of the patriots refusal to believe him, he
5046 deserted.⁴³⁰ On 28 March 1778 McKee led a small contingent to the
5047 English. That party of turncoats included Simon Girty and two slaves.

5048 At the urging of Butler, the English granted McKee the rank of captain
5049 in the army and made him deputy Indian agent at Detroit. On their behalf
5050 he distributed goods among the Shawnee valued at £835/5/6. He was
5051 also active in recruiting Tory militiamen on the western frontier.⁴³¹
5052 Thomas McKee, II, was a son of Alexander McKee, deputy Indian agent for
5053 the English in western Canada. Thomas served as a trader and diplomat
5054 among the western Amerindian tribes. Thomas accompanied Simon Girty,
5055 distributing gifts on behalf of the British among Little Turtle's Delaware
5056 warriors in Ohio.⁴³²

5057 Matthew Elliott (-1814), of Protestant Irish ancestry, before 1774 was
5058 a trader at Fort Pitt. In Dunmore's War at the Battle of Point Pleasant the
5059 Shawnee used him to interpret and to carry messages of peace.⁴³³ On 6
5060 August 1774 John Penn reported, "a young man of the name of Elliott who
5061 has been trading at Shawnee Town and lately came from thence, has
5062 offered his services to carry any messages from the government to the
5063 Indians and may be a very proper person to employ."⁴³⁴ In October 1776
5064 he traded on the Muskingum River in Ohio. His goods were stolen by the
5065 Wyandots at Dresden. Despite the fact that he spent much time among
5066 the Amerindians he hated them and they considered him to be an unfair
5067 and dishonest trader. In March 1777 he went to Fort Detroit where the
5068 English accused him of spying for the patriot cause, but released him on
5069 his *parole* that he would not aid the patriots. He returned to Fort Pitt, but
5070 on 28 March 1778 he deserted to the English along with Simon Girty and
5071 several other traders.⁴³⁵ Elliott was instrumental in convincing McKee to
5072 desert, reminding him that the colonists would never trust him. Since he
5073 was known to be the key to Amerindian affairs on the western frontier,
5074 Elliott told him, the Americans would assassinate him rather than permit
5075 him to desert.⁴³⁶ On behalf of the English, Elliott distributed goods valued
5076 at £47/6/9 to the Shawnee for the English. In 1781 he was reported
5077 working with the Moravians at Upper Sandusky, Ohio. In 1785 he assisted
5078 James Moore, a Shawnee captive, to escape. The British rewarded Elliott
5079 for his loyalty. In the 1790s he was an Indian agent for the British in
5080 Canada.⁴³⁷ In 1796 through 1798 and 1808 through 1814 he was a
5081 superintendent of the British West Indies.⁴³⁸

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5082 The Girty family of Indian traders were the most notorious of all Indian
5083 traders. Most were ardent loyalists. Those of the Girty family whom we
5084 meet during the Revolution were sons of Simon, Sr. (-1751).⁴³⁹ George
5085 Girty (1745-1812) from 1756 through 1759 was held by the Delawares,
5086 but he was returned to the English after the French withdrew from
5087 western Pennsylvania. He was a trader among several Amerindian
5088 nations, most frequently the Delawares. On 6 February 1778 the patriots
5089 commissioned him a second lieutenant. He served in the Ohio territory
5090 and down the Mississippi River. He served through 4 May 1779 and then
5091 deserted to the English. They engaged him as an interpreter among the
5092 Shawnee. On one occasion he distributed goods valued at £75/17/0
5093 among the Shawnee on behalf of the English in an attempt to enlist their
5094 aid in the war on the frontier. In 1781 he led a mixed force of English and
5095 Tories that engaged militia under the command of Colonel Archibald Lochry
5096 of Westmoreland County, Pennsylvania. All but a very few of the 100 men
5097 in Lochry's command, including the colonel, were killed or captured. A
5098 survivor reported that Alexander McKee had led a band of 300 Delaware
5099 and Wyandot warriors in the ambush. McKee, in cooperation with Simon
5100 Girty, was also reported to be planning an assault on Forts Laurens and
5101 Bedford with a mixed Tory and Amerindian force. In June 1782 George
5102 Girty led the Amerindian force opposed by Colonel Crawford on the Upper
5103 Sandusky River, in what is now Crane Township, Wyandot County, Ohio.⁴⁴⁰
5104 After the Battle of Blue Licks in August 1782 he gave himself up
5105 completely to the life of the Amerindians, living out his life among the
5106 Delawares.⁴⁴¹

5107 James Girty (1743-1817) before the Revolution was a trader among
5108 the Shawnees. From 1756 through 1759 James Girty was held by the
5109 Delawares, but he was returned to the English after the French withdrew
5110 from western Pennsylvania. He assisted Reverend David Jones in making
5111 a translation of the Bible into the Shawnee language. He assisted Colonel
5112 George Morgan, the Indian Agent for the Middle Department for the Middle
5113 States, as an interpreter.⁴⁴² As early as July 1775 he was under suspicion
5114 as a potential traitor, and soon after he did desert to the English. In
5115 August 1778 his brothers induced him to ally with the English. The price
5116 of his treason was a new rifle, 3 horses, saddles and rations.
5117 Pennsylvania accused James and Simon Girty of high treason.⁴⁴³ In 1779
5118 the English Lieutenant Governor Hamilton used James Girty to distribute
5119 gifts among the Shawnee. In the 1780s he was a trader in Ohio and was
5120 quite financially successful. He married a Shawnee maid named Betsey.
5121 In 1782 he was a leader of the British-Amerindian force that laid siege to
5122 Fort Henry, now Wheeling, West Virginia. That was his last fight against
5123 the patriot forces. He moved to St. Mary's on the west branch of the

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5124 Miami River, in what is now Auglaize County, Ohio. He founded Girty's
5125 Town where the English granted him a monopoly of seven years in the
5126 Indian trade for his support of their cause. He lived in the first decade of
5127 the nineteenth century in Gosfield Township, Essex County, Ohio, where
5128 he made a will dated 1804. His last trading post was on Girty's Island
5129 near Napoleon, Ohio. He died on 15 April 1817.⁴⁴⁴

5130 Simon Girty, Jr. (1741-1818) in 1756, at age 15, was captured by the
5131 Delawares and by 1759 was delivered up to the Senecas. He saw his
5132 step-father burned at the stake. He was five feet, nine inches tall, and
5133 had black, penetrating eyes. He learned several Indian languages,
5134 including the tongues spoken by the Six Nations, Wyandots and Shawnee.
5135 He was an interpreter for the Virginia officials during Dunmore's War. On
5136 11 August 1774 he met and traded with David Owens and twelve other
5137 traders who were returning from Upper Shawnee Town. During the
5138 French and Indian War he lost trade goods valued at £300/18/6.⁴⁴⁵ In
5139 1771 he voted in the first election in Bedford County, Pennsylvania. In
5140 1776 he was an interpreter for the Six Nations at a meeting at Fort Pitt.
5141 On 11 August 1776 he sent a bill to the Continental Congress for extra
5142 services as a smith at Fort Pitt.⁴⁴⁶ On 28 March 1778 he deserted the
5143 patriot cause and joined the English. He took with him Alexander McKee,
5144 two slaves, Matthew Elliott and an Indian trader named Higgins.⁴⁴⁷ In
5145 1781 he fought with the Wyandots at Upper Sandusky, Ohio. He was
5146 seriously wounded by a sabre slash given by Captain Brant
5147 [Thayendanega]. On 12 April 1782 Girty delivered on behalf of the
5148 English to the Wyandots one hundred pounds of gunpowder, 200 pounds
5149 of lead balls and eight dozen scalping knives.⁴⁴⁸ He was present at the
5150 torture and assassination of Colonel Crawford on 10 June 1782. It is
5151 alleged that as Crawford was writhing in pain, he asked Girty to kill him.
5152 Girty supposedly responded that he had no ammunition. Butterfield
5153 argued that Girty had tried to secure Crawford's release and could not,
5154 and that had he killed Crawford, Girty himself might have been killed. He
5155 was responsible for the deaths of David Rogers and 42 others and the
5156 capture of five soldiers in action against the patriots. On 13 July 1778 a
5157 group of English led Amerindians destroyed the town of Hanna's Town,
5158 then county seat of Westmoreland County, Pennsylvania. On 19 August
5159 1782 Bedford County political leader Bernard Dougherty wrote to the
5160 Pennsylvania officials, "the noted Girty has for some years past threatened
5161 the town of Bedford with destruction in like manner as he has that of
5162 Hanna's Town."⁴⁴⁹ Butterfield argued that Girty had nothing to do with the
5163 Amerindian attack on Hanna's Town. In 1784 he married Catherine
5164 Malott, a white captive taken by the Muncy Clan of the Delawares in 1780
5165 when she was a teenager. Catherine died at Cochester South in January

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5166 1852. He moved to, and afterward operated out of, Essex County,
5167 western Canada. In 1787 he assisted James Moore in getting his sister
5168 back from the Shawnees. In the 1780s he was employed as an Indian
5169 agent by Alexander McKee. In June 1785 he assisted in securing the
5170 release of Mrs. Thomas Cunning from the Shawnee.⁴⁵⁰ In 1791 he was a
5171 participant in the Amerindian defeat of General Arthur St. Clair's army
5172 near Fort Jefferson, Ohio. In 1794 he acted as an interpreter among the
5173 Shawnee for the English. He helped to secure the release of Mrs. Joseph
5174 Kinan, sister of Jacob Lewis, at Detroit. In 1794 he fought his last battle
5175 against the U.S. at Tallen Timbers. At that battle the army under General
5176 Anthony Wayne broke the power of the Amerindians in Ohio. He took no
5177 part in the War of 1812. By 1816 he was blind.

5178 In August 1778 an American force of regulars and volunteer militia led
5179 by Lachlan McIntosh (1725-1806) penetrated the frontier as far west as
5180 the Tuscarawas River in Ohio. At the same time George Rogers Clark had
5181 successfully invaded what is now Indiana, capturing a British fort at
5182 Vincennes. In late summer 1779 Colonel Daniel Brodhead, who replaced
5183 McIntosh, led a mixed party of regulars and volunteer militia up the
5184 Allegheny River from Fort Pitt and into Seneca territory in New York.
5185 Brodhead's expedition was time to correspond with General John Sullivan's
5186 invasion of New York from the east. Some western Amerindian tribes,
5187 aware of patriot gains and victories, were considering entering the war on
5188 the side of the new nation. Upon Brodhead's return to Fort Pitt a party of
5189 Delaware, Shawnee and Wyandots awaited him, prepared to talk peace.
5190 They informed him of British fears of an attack on Fort Detroit. Brodhead
5191 was a military man and not a diplomat and the peace talks dragged on
5192 without conclusion. At this point Governor Guy Carleton sent Alexander
5193 McKee to the Shawnee, Delaware and Wyandot camps to dissuade them
5194 from making peace. On 27 September 1778 Simon Girty led a mixed
5195 force of Tories and Amerindians in the destruction of a Virginia supply train
5196 near the falls of the Ohio River. The train was moving up from St. Louis
5197 with supplies needed to keep the western campaign moving. Combined
5198 with McKee's diplomatic successes, this destruction of five large boatloads
5199 of supplies seriously disrupted the war effort and brought to an end this
5200 successful surge against the Amerindians on the frontier.⁴⁵¹

5201 In April 1778 a party of American soldiers deserted from garrison duty
5202 at Fort Pitt. When they were captured the patriots found them in the
5203 company of a small band of Tories. On interrogation they revealed the
5204 existence of a major Tory plot to disrupt the frontier. A party of Tories
5205 from Standing Stone [Huntingdon] had crossed the mountains to join an
5206 even larger Tory party at Redstone [Brownsville]. They were to receive

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5207 uniforms from Butler and McKee and then were to join the Amerindians on
5208 an attack on the forts between Pittsburgh and Bedford. By the time the
5209 Tories had gone to meet the Amerindians at Kittanning they numbered no
5210 less than 150 militiamen. Something happened between the Tory leader
5211 and an Indian chief at Kittanning which the captured Tories did not
5212 understand. The Amerindian struck the Tory dead with a single blow of
5213 his hatchet and the meeting broke up. The thirty Tories from Huntingdon
5214 were returning home when they were captured. General Hand ordered his
5215 second in command, William Crawford, a judge in civilian life, to hold a
5216 military court martial. The civilians claimed that a military court held no
5217 jurisdiction over them, but the trial was held. Several leaders were
5218 executed and several more were whipped and then confined to jail for the
5219 duration of the war. The others were whipped and then dismissed, or
5220 simply let go on their *parole* to spread the word that the Tory design had
5221 been frustrated.⁴⁵²

5222 The Rein family was one of the oldest, established families in Lancaster
5223 County, Pennsylvania. The first man to carry the name Michael Rein
5224 arrived in Philadelphia on 11 September 1732⁴⁵³ and soon after settled in
5225 Earl Township, Lancaster County. Initially, the family seemed to be ardent
5226 patriots, enlisting in the county militia, serving in and around Philadelphia
5227 in support of General Washington's army. Various members of the family
5228 also held political offices of importance, such as membership on the
5229 Committee of Observation and Inspection. Lieutenant Henry Mansin, a
5230 German speaking officer in the Queen's Rangers, entered Lancaster
5231 County, searching for recruits, horses and general support for the loyalist
5232 cause. On his second trip, in February 1778, several farmers caught
5233 Mansin and several of his co-conspirators stealing horses. They implicated
5234 John, Michael and George Rein, saying that the family had offered them
5235 aid and comfort and had offered to sell them horses. A black- and
5236 gunsmith named Englehart Holtzinger and a few others among the
5237 conspirators, including John Rein, escaped to General Howe's lines in
5238 Philadelphia. His property, along with that of two members of the Rein
5239 family, was confiscated and sold at public auction. Henry Mansin and a
5240 man named Wendel Myer were hanged. John Rein and several of the
5241 others apparently fought with the loyalist militia and British army during
5242 the remainder of the war.⁴⁵⁴ Christian Fouts, a lieutenant-colonel in the
5243 loyalist militia, may have aided the loyalists in the Rein Affair since he was
5244 a native of Lancaster County.⁴⁵⁵

5245

Toryism in Maryland, Delaware and Virginia

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5246 English troops occupied none of the cities in Virginia, Delaware or
5247 Maryland, so loyalists could find no protection and little encouragement
5248 from the mother nation or its troops. Whatever royal support there may
5249 have been never really developed. Delaware had no frontier, but tories
5250 did manage to arouse the Amerindians to massacres in the other two
5251 states.

5252 Delaware had a substantial loyalist population, reliably estimated at
5253 about half the population. Most of Delaware's population had been
5254 moderate in its politics in the pre-Revolutionary era. The pre-war
5255 legislature remained loyal but was circumscribed by a larger patriot
5256 climate of opinion. There are strong claims that as many as half of the
5257 people were loyal to the crown.⁴⁵⁶

5258 Several incidents are often cited in support of the high incidence of
5259 loyalism. In June 1776 loyalists collected some 5000 signatures on a
5260 petition opposing the Declaration of Independence in Kent County while
5261 patriots could barely manage to gather 300 signers. An ensuing major
5262 insurrection in Kent County cost over \$100,000 to quell. When Governor
5263 Caesar Rodney asked his militiamen to sign a petition for independence
5264 only 26 of 68 men present were willing to commit. When other loyalists
5265 attempted to deliver it to Congress they were mobbed. Robinson
5266 gathered 1500 loyalists to restore order. Having no arms they appealed
5267 to Sir Andrew Hammond, skipper of the *Roebuck*, for support. Hammond
5268 stayed aloof and 1500 patriot riflemen arrived on orders from the
5269 Philadelphia Council of Safety. There were few strong statements of
5270 loyalist sentiment in the state which was not directly occupied. There
5271 were, however, some active loyalists in Delaware. Colonel Alfred Clifton
5272 was a Catholic Delaware loyalist who successfully raised a troop of loyal
5273 cavalry.⁴⁵⁷

5274 In September 1777 the British army invaded Delaware, bringing many
5275 loyalists to declare in favor of king and country. Many of the active
5276 Delaware loyalists defected to the British while Howe controlled Philadel-
5277 phia and left with him when he withdrew from the city. President Rodney
5278 received complaints of tory activity in Murderkill Hundred, Duck Creek,
5279 Dover and Kent County.⁴⁵⁸ Anglican minister Daniel Currie helped to
5280 persuade many of the righteousness of the royalist cause. In September
5281 1778 Methodist preacher Freeborn Garretson attempted to preach a
5282 loyalist sermon in Dover, but a mob accused him of being a tory and a
5283 follower of Cheney Clow.⁴⁵⁹

5284 The notorious tory Cheney Clow in April 1778 had led a tory revolt near

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5285 Kenton. The Delaware militia responded to a call from Colonel Pope,
5286 located more than a hundred Tories entrenched in a fortified position and
5287 prepared for an assault once the full company arrived. Clow retreated.
5288 The militia burned his fort and captured about half of his followers who
5289 were forced to enlist in the patriot army. Finally, in 1782 a sheriff's posse,
5290 with some militia as reinforcements, captured Clow. He claimed protection
5291 as a prisoner of war since he had a British commission with the rank of
5292 captain. In May 1783 a jury found him guilty of robbery, plunder and
5293 murder and ordered him to be hanged. In this case did Delaware witness
5294 significant popular support for the Tories.⁴⁶⁰

5295 Following Lord Cornwallis' withdrawal from the Carolinas, Sir Henry
5296 Clinton received a proposal from William Rankin of Pennsylvania to use
5297 force to establish a loyalist haven. Rankin, a loyalist militia colonel,
5298 believed that there was a substantial reservoir of royalist sentiment in
5299 southeastern Pennsylvania, southern New Jersey and Delaware which, if
5300 properly cultivated, could serve to augment his majesty's forces. Both
5301 Clinton and the home government were, at this moment, grasping for any
5302 evidence that royal government could be reestablished. Cornwallis,
5303 having been falsely seduced into believing similar promises about the
5304 Carolinas, opposed the idea, for he saw in it nothing that convinced him
5305 that it was in any way superior to the Carolina plan. Clinton liked the idea
5306 and thought to implement it in the autumn of 1781, which is why Clinton
5307 retained Cornwallis' army in Virginia. Although the northern army had
5308 comparatively little to do after 1778, and Clinton possessed the authority
5309 and resources to attempt to implement Rankin's plan without Cornwallis,
5310 nothing came of it. The appearance of the French navy in the Chesapeake
5311 Bay made the operation too dangerous to attempt.⁴⁶¹

5312 Most loyalists in Maryland were white, first-generation English
5313 immigrants, engaged in business as merchants, free professionals, small
5314 tradesmen, artisans, inn-keepers and mariners. Most lived in Baltimore
5315 or Annapolis, with a few others from Frederick.⁴⁶² Despite the fact that
5316 Maryland had been established as a haven for Roman Catholics from
5317 England, political power for many decades before the revolution had been
5318 firmly held by a conservative, aristocratic Protestant minority. In the last
5319 decade before the revolution, the court party had defended its own powers
5320 more readily than the king's prerogatives. In the years immediately
5321 preceding the war for independence the royalist court party, which
5322 became the core of loyalism after war came, saw its power draining away.
5323 The governor in the last royalist years (1769-1776), George Chalmers,
5324 was partially sympathetic to the American complaints and did little to
5325 oppose independence. And, as elsewhere, the Anglican clergy remained

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5326 firmly royalist. The popular lower house of the legislature and the minor
5327 and local governmental officers supported the cause of independence.
5328 The British army never captured or occupied any major Maryland city, so
5329 loyalism had little chance of spreading among the timid or undecided
5330 citizenry.

5331 Moderate loyalists defended the king's powers with pen. Daniel
5332 Dulaney had produced a refutation of the patriot arguments of the Stamp
5333 Act Congress. James Chalmers offered *Plain Truth* in refutation to Tom
5334 Paine's *Common Sense*. Reverend Jonathan Boucher attacked those
5335 fellow clergymen, notably Episcopal, who sided with the patriots.

5336 Maryland also produced some loyal men of action. Hugh Kelly formed
5337 the Maryland Royal Retaliators which, by 1781, had raised at least 1300
5338 men. The patriots captured Kelly, effectively closing out this chapter in
5339 Maryland loyalism. The British army commissioned James Chalmers a
5340 lieutenant-colonel, sent him to Maryland and ordered him to raise a
5341 loyalist militia. He failed to raise his quota, but appeared in British service
5342 as late as 1782, with the notation that his militia was "deficient in
5343 numbers." In September 1783 he fled to New York and from thence to St.
5344 John, New Brunswick.⁴⁶³

5345 Virginia, with Massachusetts, led the patriot cause. Its House of
5346 Burgesses had established a remarkable record of independent action.
5347 Nathaniel Bacon's Rebellion may have been the first incident of armed
5348 American resistance to British rule; and both colonial and state
5349 governments had issued proclamations bordering on claims of sovereignty
5350 long before 1776. The last royal governor Lord Dunmore initially resisted
5351 independence, was defeated at Great Bridge in 1775 and abandoned
5352 Virginia completely in July 1776. Virginia contributed heavily to the patriot
5353 cause in the early years while suffering few deprivations except joint tory-
5354 Amerindian raids on the frontier.

5355 Loyalism was as weak in Virginia as anywhere in the former colonies.⁴⁶⁴
5356 Two classes of men led the loyalists in Virginia: the Anglican clergy and
5357 the wealthier seaboard merchants. Most Scots living in Virginia sided with
5358 the crown. Loyalism was found primarily in the Norfolk area, which the
5359 British raided but could not afford to occupy. Additional loyalists came
5360 from Williamsburg, Petersburg and Portsmouth. Among the loyalist units
5361 formed in Virginia was the Queen's Own Loyal Virginians, later
5362 incorporated into the Queen's Rangers.

5363 In the spring and summer of 1780 a general Tory revolt took place in

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5364 western Virginia and spread to Redstone and Fort Pitt. Important lead
5365 mines in Montgomery County, Virginia, were disrupted. By September,
5366 Colonel Brodhead feared an attack upon Fort Pitt by a combined force of
5367 Tories from the western counties of Pennsylvania and Virginia and British
5368 regulars and Amerindian warriors allegedly advancing from Fort Detroit.
5369 No such force materialized, despite continual rumors, and by the spring
5370 of 1781 many of the Tories had fled to British protection at Detroit.

5371 The British authorities recruited John Connolly, a physician from
5372 Lancaster County, Pennsylvania, who lived near Pittsburgh. They charged
5373 Connolly with raising a mixed force of Tories and Amerindians to be called
5374 the Loyal Forresters. This unit was active as late as 1782 although
5375 Connolly was captured before he could lead any effective raids. Lord
5376 Dartmouth, upon the recommendation of Virginia's last royal Governor
5377 Dunmore, had commissioned Connolly as a lieutenant-colonel in the
5378 Queen's Royal Rangers on 5 November 1776. Dunmore immediately sent
5379 Connolly on a secret mission among the Amerindians on the western
5380 frontier, inciting them to rise against the settlers in violation of treaty
5381 provisions. Dunmore hoped that Connolly could incite a bloody war on the
5382 frontier, moving southeastward from Detroit to Pittsburgh toward
5383 Alexandria, where Dunmore would join with him. Connolly had
5384 implemented his orders by hatching a plot, Washington wrote, to join his
5385 militia, now being formed in Quebec, with Sir John Johnson's 3000
5386 Amerindian warriors and Tory militiamen, and invade south along the
5387 Allegheny River. The object of Connolly's attention was to be Fort Pitt.
5388 Meanwhile, Connolly, Johnson and McKee had sent spies and agitators,
5389 which may have included Elliott and one of more of the Girtys, among the
5390 inhabitants of the western frontier of both Pennsylvania and Virginia to
5391 seek support, supplies and men. Brodhead and General William Irvine
5392 brought in artificers and engineers and volunteers from the patriot militia
5393 who strengthened Fort Pitt's defenses. The bitter winter, combined with
5394 reports reaching Connolly and McKee of the strength of refurbished fort,
5395 persuaded the Tories to wait. Connolly was captured in Maryland while
5396 trying to line up additional support among the Amerindians there. General
5397 George Washington wrote to Brodhead, informing him that a notorious
5398 Tory leader, John Connolly, whom Continental authorities exchanged on
5399 25 October 1780, was now in western Canada, recruiting militia among
5400 the loyalist refugees. The attack never took place and by the early
5401 autumn of 1782 Sir Guy Carleton had issued orders forbidding any attacks
5402 on the frontier from originating in Canada. Peace talks had begun and
5403 Carleton had never been an enthusiastic supporter of the strategy of using
5404 the Amerindians to attack the patriots.⁴⁶⁵

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5405 Why Lord Cornwallis decided to abandon the most southerly colonies
5406 and march northward to Virginia is still the subject of much speculation.
5407 Howe still believed that occupation of South Carolina, Georgia and perhaps
5408 North Carolina would bring forth a torrent of loyalist support, and, more
5409 importantly, of sorely needed manpower. He thought this policy merited
5410 a fair trial. Retreat into Virginia made no political sense for it was the
5411 state least likely of all former colonies south of Massachusetts to support
5412 tory revolt. But Cornwallis probably made his decision for military, not
5413 political, reasons, wishing to use Virginia as a base for future military
5414 actions. He had also come to distrust the tories politically and as a
5415 potential source of military enlistments. He thought that British policy
5416 after defeat at Saratoga to reestablish political control through tory
5417 assistance was not feasible based on his own observations and experience
5418 in the south. For Cornwallis, reliance on loyalists to produce substantial
5419 armed forces ended at the Battle of King's Mountain. His march into
5420 Virginia merely emphasized his opinion.⁴⁶⁶

5421 Lord Cornwallis continued to believe that Virginia should be the focus
5422 of British efforts to recapture the colonies. He had rejected any thought
5423 of an attack on Philadelphia, or of establishing a loyalist safe haven along
5424 the Chesapeake Bay. For uncertain reasons, Cornwallis thought more
5425 loyalists could be found in Virginia. As it was, fate took a hand and
5426 following his entrapment and subsequent surrender at Yorktown, he was
5427 never able to prove his theory about liberation of Virginia.⁴⁶⁷

5428

Toryism in the Southern Colonies

5429 After 1778 the British command decided to concentrate its major
5430 efforts to the American south, largely because of the resurgence of
5431 loyalism in those states. Southern campaigns had only half-heartedly
5432 been planned and executed before 1778.⁴⁶⁸ Anticipating substantial help
5433 on every front and in every way, the British commanders thought to ease
5434 the burden on the hard pressed army. Having failed to force Washington's
5435 army into a major engagement, Clinton, under orders from the home
5436 government, was to reduce operations in the north, except for naval raids
5437 on ports from which privateers sallied forth to raid British shipping, and
5438 concentrate on reducing patriot forces in the south. The home
5439 government still believed that, at least in the southern colonies, the vast
5440 majority of Americans were loyal to the crown. Intelligence reports

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5441 alleged that a considerable and constantly increasing number, of
5442 southerners wanted to reunite with the mother nation. At the very least,
5443 the British and the loyalists both believed, the southern colonies could be
5444 separated from the other colonies and perhaps reconstituted as his
5445 majesty's loyal subjects under royal government.

5446 The home government's plan, as devised on 8 March 1778, was
5447 relatively simple. The British army would first liberate Georgia, move
5448 north against South Carolina, secure Charleston, and give encouragement
5449 to the planters who they believed were the mainstay of loyalism in the
5450 south. The loyalists were to be an integral, indeed vital, part of the
5451 operation. Against that expectation, the home government sent a
5452 considerable supply of arms, accoutrements and supplies for the recruits.
5453 The army would enlist as many regular soldiers as possible, while others,
5454 those who did not wish to commit to service for a long period of time,
5455 would serve in loyal militias. Simultaneously, diversionary actions and
5456 U naval operations in Maryland and Virginia would prevent supplies and
5457 reinforcements from moving southward. Such operations would destroy
5458 the tobacco trade, damaging the colonies' finances.⁴⁶⁹

5459 A southern campaign was politically expedient. The government was
5460 under increasing pressure from both the king and the opposition in
5461 Commons. Since the war in the northern and middle colonies had been
5462 unsuccessful, and intelligence reported great chances of success in the
5463 south, the need for some victories moved the ministry to support a full
5464 southern campaign. If the tories were correct, the cost and demands for
5465 manpower would be minimal since the loyalists would swell the ranks and
5466 provide needed relief for the army. Former royalist governors, Lord
5467 William Campbell and Sir James Wright, and their lieutenant-governors,
5468 William Bull and John Graham, reassured the government of the existence
5469 of a vast reservoir of loyalist support in the south.⁴⁷⁰ Change in British
5470 command was important. Clinton supported the idea of a campaign in the
5471 south whereas Howe had not. Additionally, Indian Affairs Superintendent
5472 John Stuart assured his superiors that they could count on support from
5473 the native Americans at the small cost of a few gifts and some guns.⁴⁷¹

5474 When news reached London of France's formal declaration of support
5475 for the colonies on 13 March 1778, Germain revised the instructions sent
5476 to Clinton on 8 March, ordering Clinton on 21 March to send 5000 troops
5477 to capture French colony of St. Lucia, and to divert others to the
5478 protection of the British West Indies. Three thousand additional men were
5479 sent to the protection of Florida. Clinton and his remaining 8000 men
5480 were to evacuate Philadelphia, defend New York, Rhode Island, Nova

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5481 Scotia and the remainder of Canada, especially the naval facility at Halifax.
5482 Germain instructed Clinton to consider plans for evacuating the thirteen
5483 colonies completely.⁴⁷² A new pessimism pervaded the ministry.

5484 The instructions had little impact on Clinton's actual conduct of the war.
5485 He did not send the expedition against St. Lucia, did not change his focus
5486 to the West Indies and did not send any fleet against the American ports.
5487 He did evacuate Philadelphia as ordered in the second dispatch, of 21
5488 March, and did deploy Lord Cornwallis in a southern campaign as decided
5489 in the first dispatch, of 8 March. Failure to have mounted a southern
5490 campaign would suggest that the government was abandoning the
5491 loyalists, bringing ever increasing defections to the patriot cause among
5492 them. A large expedition against St. Lucia and to the West Indies would
5493 convince them that their suspicions were correct. For the next several
5494 years the main focus of the war was on Cornwallis' campaign, as initially
5495 decided. In December 1778 troops moved into Georgia.

5496 As the strategy of 8 March envisioned, a number of significant tory
5497 leaders emerged to assist the British army. Lieutenant-colonel Henry
5498 Rugely gathered a company of tory militia for service in his native South
5499 Carolina, but, soon after enlisting men, was captured at his plantation
5500 along with his 103 militiamen.⁴⁷³ Samuel Tynes of South Carolina led a
5501 substantial tory militia, but was captured by Francis Marion in 1780.⁴⁷⁴

5502 Georgia was an excellent choice as the first base from which to launch
5503 an invasion of the southern colonies. The state harbored many tories,
5504 drawn especially from the free professions, planters, Anglican ministers
5505 and former royalist officials. Scots, although not numerous in Georgia,
5506 were largely loyal. In the ten years, 1766 to 1776, preceding the war for
5507 independence, the population of Georgia had doubled, from 10,000 to
5508 20,000. Many of the newly arrived English settlers retained strong ties to
5509 the crown. A significant portion of the state's population lived in
5510 Savannah.

5511 On 27 November 1778, Howe sent Lieutenant-colonel Archibald
5512 Campbell with 3000 British and Hessian regulars and four battalions of
5513 loyalists to accomplish the reduction of Georgia. On 23 December
5514 Campbell arrived at Tybee Island near Savannah and was unopposed. The
5515 patriot army crossed into South Carolina. Meanwhile, General Augustine
5516 Prevost, marching northward from Florida, captured the remaining patriot
5517 militia and army at Fort Sunbury on 10 January 1779. Having eliminated
5518 both regular army units and patriot militia as a factor in Georgia, Campbell
5519 was uncertain what to do next. The home office had wished to test its

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5520 theory that the tories of the southern states were just waiting to show
5521 their loyalty, and would do so in considerable numbers. So Campbell
5522 decided to spread his command and seek out loyalist supporters.⁴⁷⁵

5523 Assisting Lieutenant-colonel Archibald Campbell's invading British army
5524 of 1778 was Captain Daniel Murray, commander of Wentworth's
5525 Volunteers. His unit had been drilled, perhaps formed, on Long Island.
5526 In the spring of 1780, when it was stationed at Jerusalem, New York, it
5527 had 41 militiamen and officers. In the late autumn it numbered forty and
5528 was at Lloyd's Neck. Its primary and most important service was during
5529 the early stages of Cornwallis' southern campaign, beginning in Savannah,
5530 Georgia. Assisting in the British fortifications at Savannah was Lieutenant-
5531 colonel James Moncrieffe (-1791), an engineer by profession, and uncle
5532 of General Montgomery and brother-in-law of John Jay.⁴⁷⁶ John Thomas
5533 of Georgia received a commission as a lieutenant-colonel and ordered to
5534 recruit support among the Cherokee nation.⁴⁷⁷

5535 Campbell and 1000 men soon moved toward Augusta and captured the
5536 post without loss. The government's best hopes were fulfilled when 1400
5537 men took the oath of allegiance to the king and the recruiting officers
5538 signed enough men to fill twenty companies of loyalist militia. Heartily
5539 encouraged, Campbell made additional sorties into the back country of
5540 Georgia, but these proved to be as fruitless as the first was productive.
5541 The patriot militia retaliated, some 4000 strong, with sorties into the back
5542 country. Campbell withdrew, not wanting to be caught up in guerilla
5543 warfare against the backwoodsmen on their home turf. Without the
5544 protection of the British army, and left to their own devices, Campbell's
5545 tory militias evaporated to suffer their fate at the hands of the patriots.
5546 Since most tories were men of property, the patriots knew how best to
5547 pressure them. Patriot militias burned many of their homes and fields.⁴⁷⁸

5548 Since Campbell and his deputy Lieutenant-colonel John Hamilton were
5549 themselves Highlanders they were able to recruit among the Scots in
5550 South Carolina. A certain Colonel Boyd recruited about 700 loyalist militia
5551 and marched south to join Campbell. After a minor and indecisive
5552 skirmish, Colonel Andrew Pickens surprised the tories at Kettle Creek,
5553 killed Boyd and about forty of his men, wounded and captured another
5554 150, and scattered the remainder. Campbell sent out a relief column
5555 which was successful only in rescuing about 300 tories. Pickens took his
5556 prisoners back to South Carolina where five leaders were hanged as
5557 traitors, another 65 condemned but pardoned, and others forced to take
5558 an oath of loyalty to the republic.⁴⁷⁹

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5559 Native to Georgia was James Robertson (1751-1818), Attorney-general
5560 in the last royal cabinet and member of the Council and the Commission
5561 of Claims. He joined the tory militia as an officer immediately after the
5562 war began.⁴⁸⁰ Now his time had come with the arrival of Campbell's army.
5563 Robertson's men took full revenge on the patriots.

5564 Leaving Campbell in command at Savannah, Prevost moved northward
5565 into South Carolina. Meanwhile, Major-general Benjamin Lincoln rallied
5566 the patriot army and moved to Purysburg, about fifteen miles from
5567 Savannah. The swamps surrounding Lincoln's army inhibited Prevost's
5568 movements, and not wanting to become entrapped in such hostile
5569 territory, Prevost sent Major Gardiner to Port Royal Island. Lincoln sent
5570 General William Moultrie who led the Georgia militia against Gardiner who
5571 withdrew and returned to Savannah.

5572 Prevost made another unsuccessful foray into South Carolina, which did
5573 have the effect of causing panic in Charleston and of drawing Lincoln's
5574 troops out of Georgia to the defense of Charleston. Still, the British
5575 controlled only the area immediately surrounding Savannah and the tories
5576 had been disheartened. When a party of the king's officials arrived from
5577 London to reestablish royal rule they found little support. As one authority
5578 noted, Britain's inability to restore civil government completely in captured
5579 colonies remained both a continual embarrassment and a patent weakness
5580 of her military policy with the Loyalists."⁴⁸¹

5581 Other tory units served in Georgia. As we have seen, Montefort
5582 Browne, former lieutenant-governor of West Florida, had been commis-
5583 sioned a brigadier-general in July 1776 with instructions to raise the Prince
5584 of Wales American Volunteers, which served primarily in New England.
5585 After Prevost moved against Georgia, the unit was sent to occupy Savan-
5586 nah.⁴⁸² Another important tory, Captain Howell of Georgia was killed and
5587 his entire unit destroyed in 1781 by Georgia militia.⁴⁸³

5588 Prevost wanted to expand his operations, but had been unsuccessful
5589 largely because he lacked a sufficiently large force to undertake the
5590 occupation of Georgia and South Carolina, and his tory allies were
5591 insufficiently powerful to occupy liberated territory on their own. Sir
5592 Henry Clinton understood the situation, and wished to support Prevost,
5593 especially after he received word of the ease with which Savannah had
5594 been captured and heard of initial enlistments in tory militia. But he could
5595 send no more troops south until his own command was reenforced. Either
5596 General James Grant's force would have to be withdrawn from the West
5597 Indies or the home government would have to send more troops from

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5598 Europe if Clinton was to support his southern army. Were such troops to
5599 arrive, he planned to land them at Port Royal and march on to liberate
5600 Charleston.

5601 Josiah Phillips of Princess Anne County, Virginia, received a commission
5602 from the last royal governor, the Earl of Dunmore, to form a loyalist militia
5603 company. He ignored the rules of war and formed a vigilante band which
5604 burned, looted, raped and burned homes and committed other crimes.
5605 The Virginia House of Burgesses passed an act specifically aimed at
5606 inducing Phillips to surrender or otherwise reducing his activity. The
5607 state's Attorney-general asked for and received an indictment *in absentia*
5608 on the charge of wanton murder. Finally, in late 1778 the Whig militia
5609 captured Phillips and he was hanged.⁴⁸⁴

5610 U During the spring of 1779, Commodore Sir George Collier and Major-
5611 general Edward Mathew, following explicit orders of the home government
5612 to Sir Henry Clinton, raided into Virginia, to disrupt the state's economy,
5613 destroy privateers and their docks, capture and destroy food and military
5614 supplies and prevent aid from being sent to South Carolina and Georgia.
5615 When a large number of loyalists appeared, Collier and Mathew were
5616 pleasantly surprised, but concerned. They had been ordered to raid, not
5617 occupy, parts of Virginia's seacoast. They were not prepared to rescue or
5618 stand and defend these tories. They recommended creating one post,
5619 perhaps Portsmouth, to which tories could flee for protection. Perhaps
5620 such a post would encourage so many to defect that the post could be
5621 maintained by tory militia. No matter how much recruitment of Virginia's
5622 loyalists might be desirable, Clinton had no troops to spare to create the
5623 haven.

5624 North Carolina was a hotbed of tory activity.⁴⁸⁵ The colony may have
5625 had more tories in proportion to its population than any other state,⁴⁸⁶
5626 although at least one writer argued that claims of loyalism were
5627 exaggerated.⁴⁸⁷ Shopkeepers, planters, wealthier farmers, tradesmen and
5628 free professionals constituted the bulk of the tories here as elsewhere.
5629 Perhaps half or more of the Scots in the state had loyalist leanings. No
5630 city of significant size yet had developed in North Carolina, although tories
5631 appeared in some towns such as Wilmington as Cornwallis crossed the
5632 state in his flight northward into Virginia. After the Battle of Moore's
5633 Creek, loyalism all but disappeared. Still, there were periodic cruel raids
5634 organized by Colonels Edmund Fanning and John Hamilton, giving rise to
5635 the belief that, at least on occasion, a state of civil war existed in North
5636 Carolina.⁴⁸⁸

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5637 As early as 1776 a large number of tory militiamen was captured at the
5638 Battle of Cross Creek and taken to Philadelphia via Halifax, North Carolina.
5639 Among the most successful tories in North Carolina was Lieutenant-colonel
5640 John Moore of Tryon County, who joined the British cause in 1779. His
5641 militia's distinctive uniforms were decorated with green pine twigs. Moore
5642 enlisted 200 tory militiamen, but his force was defeated at Ransour's Mills
5643 by patriot militia. He led the thirty survivors to the British lines at
5644 Camden, South Carolina, where they were absorbed into the army.⁴⁸⁹

5645 Sabine wrote that Lieutenant-colonel James Hamilton (-1817) was the
5646 "very crest of the Tory organization in the South" and that "the British
5647 nation owed more to Col. Hamilton of the North Carolina Loyal Militia than
5648 to any other individual Loyalist in British service." As commander at St.
5649 Augustine, Florida, he was "engaged in nearly every action in the three
5650 southern colonies."⁴⁹⁰ Another northern loyalist unit that moved south was
5651 commanded by Colonel Edmund Fanning. The King's American Regiment
5652 was recruited, trained and initially served at Conanicut Island, Rhode
5653 Island. Fanning, a native of Staten Island and a Yale graduate, had raised
5654 £3000 from loyalist New York merchants and businessmen to support his
5655 militia. By November 1777 Fanning had recruited 481 militiamen. This
5656 unit accompanied General Tryon's raids on Fairfield and Norwalk and
5657 plundered the town of New Haven. Patriots counter-attacked and inflicted
5658 over a hundred casualties on the Tories. As they retreated to Fairfield
5659 patriot opposition increased and Tryon ordered that the town be burned
5660 in retaliation. This unit was then transferred to Savannah, Georgia, where
5661 its eight infantry companies were active, largely as guerrillas and raiders,
5662 as late as June 1782.⁴⁹¹ To most Carolinians, Hamilton and Fanning were
5663 the epitome of a heartless raider and marauder who terrorized the civilian
5664 population.

5665 John Pile was another colonel who was successful in recruiting loyalist
5666 militia in North Carolina.⁴⁹² Royal Governor Martin authorized Donald
5667 McDonald to raise a body of tory militia. McDonald was probably the most
5668 successful of all tory militia commanders in the Carolinas and was
5669 rewarded for his efforts by being promoted to captain-general. North
5670 Carolina militia under General Moore defeated McDonald's force,
5671 demoralizing tory recruitment efforts in the Carolinas. Moore sent
5672 McDonald to Philadelphia, where he was exchanged and left for England
5673 where he lived after the war.⁴⁹³ Lieutenant-colonel Kay had attracted a
5674 substantial number of loyalist militiamen before the Battle of King's
5675 Mountain. He retreated following the battle, joining the British army at
5676 Hillsborough.⁴⁹⁴ Governor Martin also commissioned James Glyn to enlist
5677 tory militia in the Carolinas.⁴⁹⁵

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5678 South Carolina, too, had its staunch tories, again with heaviest support
5679 from among the merchants, free professionals and high ranking members
5680 and clergy of the Church of England and wealthy planters.⁴⁹⁶ Of the
5681 southern colonies only Georgia had as high a proportion of tories as South
5682 Carolina. Charleston was the southern city which offered the greatest
5683 opportunity for royalist occupation and recruitment of men. When the
5684 British army left Charleston in 1782 more than 4000 loyalists joined them,
5685 although not all were natives of South Carolina.⁴⁹⁷ Patriots had much
5686 cause for worry with the vast numbers of slaves, the long stretch of
5687 unprotected seacoast and the constant threat of Cherokees and other
5688 Amerindians on the frontier.⁴⁹⁸ Certainly the recruitment of Amerindians
5689 to massacre frontier families alienated many tories.

5690 The first attempt to occupy Charleston came in June 1776, although the
5691 patriots were successful in fending off the invasion. At the same time,
5692 frontier militia defeated the Cherokees who had been recruited by tories
5693 and British agents. The British continued to seduce the native aborigine
5694 with presents and arms throughout the war, while the army made no
5695 further attempt at invasion until Clinton captured Charleston in May 1780.
5696 The British occupied Charleston from May 1781 until December 1782.

5697 Colonel McNeil commanded a large contingent of loyal Carolina militia
5698 along with David Fanning. In 1781 at Hillsborough, North Carolina,
5699 Fanning and McNeil surprised a poorly organized band of state militia,
5700 handily defeating them. They took some 200 prisoners and threatened to
5701 kill them unless Governor Burke released 60 tory prisoners from jail. As
5702 the tory militia retreated toward Wilmington, other patriot militia
5703 ambushed the tories and killed McNeil.⁴⁹⁹

5704 Patrick Ferguson was one of the most important leaders of tory militia.
5705 After General Howe dissolved his first rifle corps, Ferguson became a
5706 provisional lieutenant-colonel and organized in New York and New Jersey
5707 the American Volunteers. This group of loyalists were known also as
5708 Ferguson's Sharpshooters. The strength of this body was approximately
5709 7,600 men and it was sent with Clinton to Charleston. After the defeat of
5710 the tories at King's Mountain, nine of Ferguson's men were executed⁵⁰⁰

5711 Colonel Daniel McGrath, a native of South Carolina, originally an ardent
5712 patriot, deserted to the loyalists, swearing vengeance for some unknown
5713 presumed injustice done him by patriots. Working out of Florida, he was
5714 a marauder in Georgia and South Carolina, raiding mostly isolated
5715 homesteads. He amassed a huge fortune from his raids, but was
5716 captured, imprisoned, but pardoned after his health failed. He returned

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5717 to South Carolina, living out his final years in poor health and with the
5718 scorn of his neighbors.⁵⁰¹

5719 By mid 1780 Cornwallis was having serious doubts about the efficacy
5720 of Howe's plan to recruit and enlist loyalists in the British army. Howe's
5721 plan called for establishing safe havens for loyalists at a number of
5722 strategic posts in Georgia and the Carolinas, including Savannah, Augusta,
5723 Charleston, Ninety-Six, Georgetown and Camden. Howe ordered
5724 Cornwallis to select the sites and maintain a presence with the British
5725 army. He was convinced that many loyalists would enter the secured
5726 areas and join the British army or loyal militia. Thus, Britain, with loyalist
5727 help, could maintain order in the southern colonies with a minimum armed
5728 force. Some militiamen would be deployed to occupy the liberated areas
5729 while others would assist the army in the war effort. The remainder of his
5730 forces could then be deployed elsewhere to accomplish the same mission.

5731 But Cornwallis had seen the failure of the grand scheme. By the end
5732 of July the loyalists in the Ninety-Six District had recruited some 1500
5733 men to fight with the army and others to act as reserves and occupation
5734 troops. Additional men were recruited at Little Peedee and in the
5735 Orangeburg District. Charleston supplied 400 occupation militia, freeing
5736 British regulars for other duties. But in other districts, such as Camden,
5737 Cheraw and Georgetown the patriot militia was successful in suppressing
5738 loyalist enlistments. Taken as a whole, the policy was a failure. Howe had
5739 expected to enlist two full battalions and failed. Cornwallis was beginning
5740 to realize that Howe's estimates of tory support were grossly exaggerated.
5741 Moreover, he considered most loyalists to be politically unreliable. They
5742 made poor soldiers and new orders coddled them, preventing their full
5743 regulation and training. Adding to his other problems was the scarcity of
5744 arms and horses. Without guns that were to have been sent from England
5745 he could not equip his loyalist militiamen. Mounted troops were a
5746 necessity to combat the very mobile patriot guerrillas, but the Americans
5747 had managed to prevent the purchase of these animals.⁵⁰²

5748 It is generally agreed that looting, rapine and pillaging was nowhere as
5749 widespread as in the Carolinas. Banastre Tarleton's American Legion
5750 shouldered much of the responsibility, but Thomas Browne's and other
5751 corps also bore much responsibility. Many Americans, especially those in
5752 the backwoods of the Carolinas, who had remained unscathed by the war,
5753 excepting only a few incursions by Amerindians, suddenly had to choose
5754 sides. The dastardly deeds of loyalist raiders, and even of the army,
5755 against civilians convinced many to adopt the patriot cause.⁵⁰³

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5756 Disheartening news arrived at Cornwallis' headquarters. Patriot militia
5757 had defeated the loyalists at Ramsaur's Mill on 20 June. The principal
5758 historian of the war in South Carolina wrote, "The effect of this affair was
5759 completely to crush out the Tory element in that portion of the state and
5760 they never attempted to organize again during the war."⁵⁰⁴ Having won
5761 one comparatively easy victory, the patriots pushed forward, and in a
5762 dozen small skirmishes in July and August, effectively removed all vestiges
5763 of British control from the back country.⁵⁰⁵ Initially, Cornwallis did not
5764 perceive the problem the loss at Ramsaur's Mill presented. By 2 July he
5765 heard from Lord Rawdon, commanding at Camden, that loss of all outlying
5766 posts was imminent. Next he learned that Morgan Bryan's loyalist militia
5767 of 800 men had fled to the protection of the British army in South
5768 Carolina. Then Colonel Nisbit Balfour reported that he must either
5769 reinforce the loyalist militia in North Carolina, allow them flee or lose
5770 them. So Cornwallis decided to take bold action by moving in force to
5771 Camden and reinforcing Rawdon. Since his main supply depot was at
5772 Camden, Cornwallis could use that base to arm the loyalists and move
5773 against the rebels.

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5774

Conscientious Objectors

5775 Throughout history, and in virtually every civilized nation, there have
5776 been those who objected to serving in any kind of military organization
5777 because of religious convictions. America attracted more than its share
5778 because the colonies became the refuge to various religious dissenters
5779 from all over Europe. Pacifism was not in fashion in any European nation
5780 during the period of colonization because this was an age of incessant
5781 warfare among all the major, and some minor, nations of Europe. Most
5782 European nations were so delighted in finding an easy way to rid
5783 themselves of these often wildly dissident, although usually peaceful,
5784 groups that they often assisted them in emigrating. Most nations
5785 regarded their causes as blessed by God, especially when the clash was
5786 between Protestant nations like Great Britain and Roman Catholic ones like
5787 Spain and France. The authorities believed that one did God's work by
5788 fighting not by refusing to bear arms. If a war was truly holy it was the
5789 Devil's work to be a pacifist. Kings alone cannot be blamed because the
5790 churches often agreed and worked in close support of the political
5791 authorities in waging holy wars. Since medieval times and the crusades
5792 many clerics as well as laity had believed that to die in a holy war
5793 guaranteed immediate remission of sin and entrance into heaven. Refusal
5794 to serve in a just war for a godly cause was more than sufficient reason
5795 to draw grave disapproval, even ostracism, from the body politic.⁵⁰⁶

5796 In an attempt to attract Calvinist religious dissenters from Central
5797 Europe to settle in its colonies Great Britain had adopted legislation
5798 "exempting the Moravians, or congregations of the *Unitas Fratrum* in
5799 America, from Military Duties" ⁵⁰⁷ The specific legal exemption was
5800 extended by custom and usage to members of the Society of Friends
5801 (Quakers), ⁵⁰⁸ Dunkards, Mennonites, certain members of the Brethren,
5802 Jews and others. Although the question of religious and moral
5803 conscientious exemption from military service was more than occasionally
5804 debated in colonial legislatures, the general principle was universally
5805 upheld and sustained.

5806 Many of the colonists rejected the arguments made by those who
5807 determined that the founder of the Christian religion rejected war.
5808 Perhaps because a religious and moral issue was involved, and because
5809 it was clearly within their area of expertise and responsibility, ministers
5810 entered the debate on pacifism and conscientious objection. Few agreed
5811 with the position and conclusions of the Society of Friends, Moravians and

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5812 other pacifists. Most condemned the pacifist rhetoric strongly and without
 5813 hesitation or reservation. According to Nathaniel Appleton of
 5814 Massachusetts Bay, war "is an affair with the Prince and the Council of a
 5815 Nation; and the Soldier is to presume that the Government have good
 5816 Reasons to justify their proclaiming and engaging in a war."⁵⁰⁹ Cotton
 5817 Mather, one of the Puritan's most important theologians, argued that,
 5818 "Men have their Lives, Liberties, Properties, which the very light of Nature
 5819 teaches them to maintain by stronger arms against all Foreign Injuries.
 5820 Christianity never instructed men to lay down that Natural Principle of
 5821 Self-Preservation."⁵¹⁰ In 1776, Reverend John Cushing argued that all
 5822 able-bodied men must bear arms in God's causes so that "her will build up
 5823 Zion -- that he will avenge the innocent blood of our brethren, inhumanly
 5824 shed . . . that he will render vengeance to his and our adversaries -- and
 5825 one day restore tranquility to our county. . . . I am convinced that it is a
 5826 privilege that Christ hath allowed to mankind, to defend and preserve their
 5827 religion and liberties by arms."⁵¹¹ Reverend Richard Price wrote that all
 5828 men must be "vigilant, ready to take alarms and determined to resist
 5829 abuses . . . to defend our country against foreign enemies . . . and in such
 5830 circumstances to die for our country."⁵¹² Reverend Peter Thatcher wrote
 5831 that it is folly

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5832 which a people discover, and the danger to which they expose themselves,
 5833 when they live in a state of security, unprepared to resist an invasion or
 5834 defend themselves against the attacks of an enemy. But how are we to
 5835 defend ourselves when our country is invaded, and we are threatened by
 5836 the loss of every thing we hold dear, by the violence and fury of an
 5837 enemy? By declaring with the Quaker, that we may not resist any force
 5838 which may come against us, because our holy religion forbids us to fight?
 5839 . . . Shall we send the ministers of religion to meet an army of invaders,
 5840 and to tell them that they are not doing as they would have done by; that
 5841 they act inconsistently with the religion of Christ, and that God will punish
 5842 them for their injustice? . . . Am I obliged to deliver my purse to a
 5843 highwayman, or my life to a murderer, when I am able to defend myself?
 5844 Does the religion of Christ enjoin its votaries to submit to the violence of
 5845 the first ruffian nation which will attack them; and to give up their liberty,
 5846 and the liberty of their children, to those who would make them "hewers
 5847 of wood and drawers of water?"⁵¹³

5848 And Reverend Peter Case argued that the

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5849 objection which is so much relied upon by Quakers and those [others] who
5850 disown all use of war and arms, in any case whatsoever, will not conclude
5851 that Christ's kingdom is not to be defended and preserved by resistance
5852 of all such who would impiously and sacrilegiously spoil us of it in this
5853 world, because it is not of this world, for then all would be obliged to
5854 suffer it to be run down by slaves of hell and satan and antichrist's
5855 vassals. . . . Hence that old saying may be vindicated, prayers and tears
5856 are the arms of the church. I grant they are so, the only best prevailing
5857 arms, and without which all others would be ineffectual, and that they
5858 [are] spiritual arms of the church. . . . but the members thereof are also
5859 men, and as men they may use the same weapons as others do.⁵¹⁴

5860 The advocates of non-violence and non-intervention often clashed with
5861 the law and with militia officers, but nearly all remained adamant about
5862 their conscientious objection to war. In September 1675 Captain Thomas
5863 Townsend of New York lodged a complaint with the governor about
5864 members of the Society of Friends in Oyster Bay about the refusal of
5865 Quakers to accept militia duty. "Many of ye Inhabitants there being
5866 Quakers & refusing to beare arms, they are also disabled from keeping a
5867 strong watch as is required." Others complained that they ought not to
5868 have to serve in the militia or be required to keep watch. The Governor,
5869 while sympathetic to Townsend's position, upheld the right of the Friends
5870 to avoid military service of any kind, respecting their religious objections
5871 to military service.⁵¹⁵

5872 In April 1707 the Lord Proprietor of Maryland ordered that members of
5873 the Society of Friends be exempted from actual military service. They
5874 were required to contribute liberally to the support of the militia.⁵¹⁶

5875 In North Carolina most pacifists were Moravians, most of whom had
5876 moved there from Pennsylvania. Like members of the Society of Friends,
5877 Moravians were known to be scrupulously opposed to war. Nonetheless,
5878 they were enrolled in the militia, but were placed in special companies and
5879 given principally non-combattant duties, such as care of ill, wounded and
5880 dead militiamen and foraging and commissary duties. They were liable to
5881 bear arms in emergencies. If they refused they were fined £10. By 1680
5882 Moravian and other Calvinist religious dissenters had begun to move into
5883 the Carolinas. They were as opposed to military service as their Quaker
5884 brethren in Pennsylvania, and in 1681, decided they had sufficient

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5885 strength and support to oppose reenactment of the North Carolina militia
5886 law. As a period history of the colony said, they "chose members [of the
5887 legislature] to oppose whatsoever the Governor requested, insomuch as
5888 they would not settle the Militia Act" even though "their own security in
5889 a natural way depended upon it."⁵¹⁷ Another contemporary history con-
5890 firmed that the dissenters were "now so strong among the common people
5891 that they chose members to oppose . . . whatsoever the Governor
5892 proposed [especially] the Militia Law."⁵¹⁸ By 1770 conscientious objectors
5893 were wholly exempted from militia service, except in case of grave
5894 emergencies. The province did allow exemptions from all militia service
5895 for most Protestant clergy. At first, only priests of the Established Church
5896 were exempted. Later, with the influx of Scots, the exemption was
5897 extended to Presbyterian ministers. Finally, on the eve of the Revolution,
5898 the exemption was extended to virtually all clergy of recognized and
5899 established churches.⁵¹⁹ In April 1776 the North Carolina Provincial
5900 Congress

5901 Resolved that as there are a number of persons called Quakers, Moravians
5902 and Dunkards, who conscientiously scruple bearing arms, and as such
5903 have no occasion for Fire-Arms, that they be informed that it is the sense
5904 and confident expectation of this Congress that they will dispose of their
5905 Fire-Arms to the said Commissioners, they receiving full value thereof; but
5906 that no compulsion be exercised to induce them to that duty.⁵²⁰

5907 South Carolina exempted conscientious objectors only if they paid the
5908 usual fines for non-attendance. Failure to pay such fines could result in
5909 seizure of property or imprisonment in a debtor's prison.⁵²¹

5910 Rhode Island, in planning for its revitalized militia in December 1754,
5911 recommended that the legislation be drafted, "particularly so as not to
5912 oblige any persons to bear Arms who are or may be conscientiously
5913 scrupulous against it."⁵²²

5914 Pennsylvania was founded on pacifist Quaker principles and, by creed,
5915 the sect conscientiously opposed all use of firearms against their fellow
5916 human beings.⁵²³ However, some Quakers were willing to allow for a
5917 military-police force to stop the illicit rum trade among the Amerindian
5918 tribes because of the terrible damage liquor did to the natives.⁵²⁴ Early in
5919 the colony's history there were no less than a dozen offenses which were

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5920 punishable by death, including riotuous assembly,⁵²⁵ an act usually sup-
 5921 pressed by militia or other military force. They opposed enactment of any
 5922 militia law. Soon after the colony was founded the Duke of York and the
 5923 Stuart monarchy superimposed such a law. As we have seen, above, the
 5924 Friends were highly successful in resisting the enactment of subsequent
 5925 militia acts until mid-eighteenth century. When it first debated a militia
 5926 law the Pennsylvania Assembly,

5927 in the Year 1742 . . . exempted from military service all members of the
 5928 Society of Friends (Quakers). This was a special exemption granted by
 5929 the colony. Neither the Charter of Privileges, or any laws then existing,
 5930 gave them such Right of Exemption from Military Service, and that it was
 5931 observed that the Proprietor was no more obliged to be at the Expençe of
 5932 defending them in Case of Emergency than the Governors of other
 5933 Colonies.⁵²⁶

5934 When the militia law was finally adopted in Pennsylvania it made quite
 5935 adequate provision for conscientious objectors. One interesting point
 5936 made in the law was the claim that Parliament had mandated exemption
 5937 of Moravians, or *Unitas Fratrum*, although this specific exemption is not
 5938 found in the militia law of other colonies. North Carolina had a substantial
 5939 Moravian community, and there is no evidence that its members were
 5940 mustered in that colony, or later, in the state, but the North Carolina
 5941 militia law made no specific reference to them of the act of Parliament.
 5942 "And for as much as the Parliament of Great Britain has thought fit to
 5943 exempt the Church or Congregation called *Unitas Fratrum* or United
 5944 Brethren from bearing Arms, or personally serving in any Military Capacity
 5945 upon their paying a reasonable Equivalent or Compensation for such
 5946 Service."

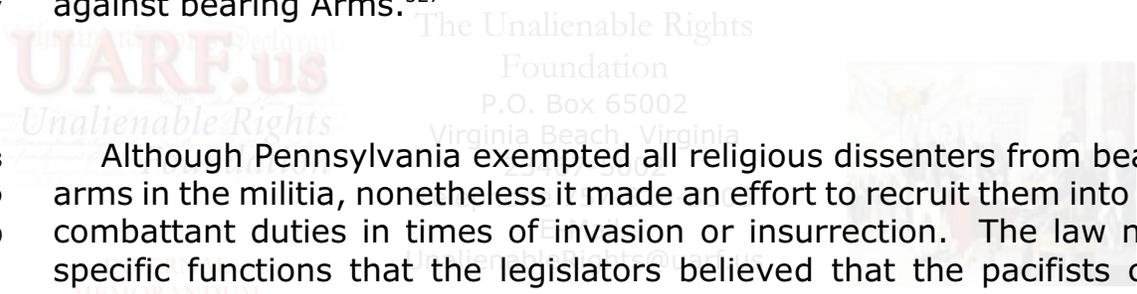
5947 There are divers other religious Societies of Christians in this Province,
 5948 whose Conscientious Persuasions are against bearing Arms, who are
 5949 nevertheless willing and desirous to promote the Public Peace and Safety:
 5950 Therefore be it enacted by the authority aforesaid. That the Captain of
 5951 the Company of each District in every County of this Province shall within
 5952 Six Months after he receives his Commission, cause his Clerk to make out
 5953 a fair Duplicate or true Copy of the Return made by the Constable and his

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5954 Assistant, of each Township of his District which was delivered him by the
 5955 Sheriff, marking thereon every Persons name that is on his Muster-Roll
 5956 and also distinguishing those so who belong to such religious Societies
 5957 whose conscientious Principles are against bearing Arms; which said
 5958 Duplicate or Copy of Constable's Returns, after so marked and
 5959 distinguished, the said Captain shall deliver or cause to be delivered to the
 5960 Commissioners of his County, chosen by Virtue of the Act for raising
 5961 County Rates and Levies: And the said Commissioners of each County of
 5962 this Province, within. Twenty Days after the Receipt of the Duplicates
 5963 aforesaid, shall meet together and cause their Clerks to make out fair
 5964 Duplicates of the Names and Sir Names of all and every Person. . . .
 5965 Persons in each District or Division, [are to be] marked and distinguished
 5966 as aforesaid to belong to such Religious Societies, whose Principles are
 5967 against bearing Arms.⁵²⁷



5968 Although Pennsylvania exempted all religious dissenters from bearing
 5969 arms in the militia, nonetheless it made an effort to recruit them into non-
 5970 combattant duties in times of invasion or insurrection. The law noted
 5971 specific functions that the legislators believed that the pacifists could
 5972 engage in without violating their religious convictions.

5973 Whereas there are in this Province a great number of Persons of different
 5974 religious Persuasions, who conscientiously scruple to bear Arms, and yet
 5975 in Time of Invasion and Danger would freely perform sundry Services
 5976 equally necessary and advantageous to the Public, Therefore be it
 5977 provided and enacted by the authority aforesaid, That all Quakers,
 5978 Menonists, Moravians, and other conscientiously scrupulous of bearing
 5979 Arms, who shall appear on any Alarm with the Militia, though without
 5980 Arms, and be ready to obey the Commands of the Officers in the following
 5981 Particulars, that is to say, in extinguishing Fires in any City or Township,
 5982 whether kindled by the enemy from without, or by traitorous Inhabitants
 5983 within; in suppressing Insurrections of Slaves or other evil minded
 5984 Persons during an attack; in carrying off and taking Care of the Wounded;
 5985 in conveying Intelligence as Expresses or Messengers; in carrying
 5986 Refreshments to such as are on Duty, and in conveying away to such
 5987 Places of Safety as the Commanding Officer shall ap point, the Women and
 5988 Children, aged, infirm and wounded, with the Effects that are in Danger
 5989 of falling into the Hands of the Enemy; Such Persons so appearing on any
 5990 Alarm, and performing the Services aforesaid; when required, shall, and

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5991 they are hereby declared to be free and exempt from the Penalties of this
5992 Act, inflicted on Persons refusing to appear under Arms on such
5993 Occasions.⁵²⁸

5994 During the Seven Years War it was the Moravians not the Society of
5995 Friends that came under scrutiny in New Jersey. In a letter to Lieutenant-
5996 governor Pownall, Governor Belcher wrote, "it appears to me the People
5997 called Moravians are as Snakes in the Grass and Enemies to King George
5998 and His Subjects." He decided to disarm them. "I shall give immediate
5999 orders that all Arms and Ammunition among the Moravians in this Province
6000 be seized and kept in safe Custody."⁵²⁹

6001 New Jersey also contained a significant Quaker minority so the first
6002 state convention allowed conscientious objectors to avoid militia duty
6003 provided only that they paid a fee of four shillings per month. There was
6004 no clear religious test for conscientious objectors, as in many colonies
6005 which stipulated regular attendance in one a limited number of specified
6006 sects which firmly held that all wars were evil. Because of the failure to
6007 limit religious exemptions the number of eligible men in the militia was
6008 substantially reduced.⁵³⁰ In August the Provincial Congress made specific
6009 reference to the Society of Friends, suggesting that contribute liberally to
6010 the relief of their "distressed brethren." It took note of their "peculiar
6011 religious principles" and suggested that generous contributions would be
6012 in keeping with their charitable sentiments.⁵³¹ By October 1775 the law
6013 required that those exempted for religious reasons had to pay the cost of
6014 maintaining an enlisted man, 40 shillings per month.⁵³² As Governor
6015 William Livingston came under increasing pressure to increase
6016 participation in the state militia, he responded as if the criticism was
6017 aimed at the exclusion of religious objectors. In a letter to General Israel
6018 Putnam, Livingston wrote that he would defend their right of conscience.⁵³³

6019 As we shall see in a later volume, on 25 November 1755 the
6020 Pennsylvania Assembly finally passed its first militia law in more than a
6021 hundred years. The Society of Friends (Quakers) had opposed any sort
6022 of military action. Much pressure was brought to bear on the Assembly by
6023 frontiersmen. The latter group had brought to, and dropped off at, the
6024 Friends' Meeting Houses the bodies of settlers massacred and mutilated
6025 by the Amerindians. The law passed the legislature almost immediately
6026 after the Friends announced their intention to abstain from voting.⁵³⁴ They
6027 found an ally in Benjamin Franklin who argued the Friends' case. Let
6028 those who wish to bear arms do so; let those who are conscientiously

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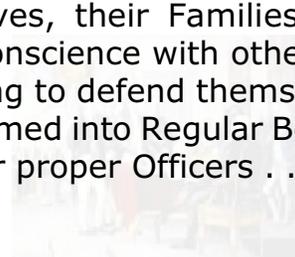
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6029 opposed to war be exempted from bearing arms. The Friends, Franklin
6030 wrote,

6031 condemn the Use of Arms in others, yet are principled against bearing
6032 Arms themselves; and to make any Law to compel them thereto against
6033 their Consciences would not only be to violate a Fundamental in our
6034 Constitution but would also in Effect be to commence Persecution against
6035 all that Part of the Inhabitants of the Province [A]ny Law to compel
6036 others to bear Arms and exempt themselves would be inconsistent and
6037 partial [G]reat Numbers of People of other religious Denominations
6038 are come among us who are under no such Restraint, some of whom have
6039 been disciplined in the Art of war, and conscientiously think it their Duty
6040 to fight in Defense of their Country, their Wives, their Families and
6041 Estates, and have an equal Right to Liberty of Conscience with others . .
6042 U. . . [Those who are willing to bear arms] are willing to defend themselves
6043 and their Country, and [are] desirous of being formed into Regular Bodies
6044 for that Purpose, instructed and disciplined under proper Officers⁵³⁵

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6045 While religious dissenters such as members of the Society of Friends
6046 had long been exempted from actual service as soldiers, their role in
6047 secondary positions remained a topic of debate. Should religious
6048 dissenters serve in hospitals and as paramedics? Should they supply the
6049 troops with food, clothing and forage? The Pennsylvania Council of Safety
6050 on 7 July 1775 resolved that,

6051 As there are some people who, from religious principles, cannot bear arms
6052 in any case, the Congress intended no violence to their Consciences, but
6053 earnestly recommend it to them to contribute liberally in the time of
6054 universal calamity, to the relief of their Distressed Brethren in the several
6055 Colonies, and do all other services to their oppressed country, which they
6056 can do consistently with their religious principles.⁵³⁶

6057 The members of the Society of Friends were not the only pacifist
6058 religious persons in Pennsylvania. The Mennonites, Dunkards and many
6059 of the Moravians, Brethren in Christ, refused to carry arms based on

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6060 religious teachings of their communities. In Lancaster County,
6061 Pennsylvania, problems arose as early as the spring of 1775. Some
6062 Mennonites and other pacifists were accused of paying bribes to the
6063 Committee of Safety, in amounts as large as £1500, to avoid militia duty.
6064 The Lancaster Committee of Safety denied the charge of bribery and tried
6065 to satisfy both sides. It ended pleasing neither. Most pacifists refused to
6066 take the oath of loyalty after independence was proclaimed, citing a
6067 general obligation to avoid the taking of oaths, or a religious scruple
6068 against swearing or affirming loyalty to any earthly kingdom, regardless
6069 of its good intentions and design. Non-associators were generally held to
6070 be disguised Tories and were treated with disdain and even open hostility
6071 by their patriot neighbors.⁵³⁷

6072 The province of Pennsylvania on 25 November 1775 enacted a tax of
6073 £2/10/0 on non-associators who failed to attend militia muster. The tax
6074 applied to all those who were unwilling to bear arms for the province,
6075 whether motivated by political opposition to the impending struggle with
6076 Great Britain or by religion. The tax was to be levied each time a man
6077 missed a drill.⁵³⁸ However, if the non-associator had a change of convic-
6078 tion and decided to attend a drill as a militiaman he was to receive a
6079 refund of two shillings for each drill attended.⁵³⁹ The impact of the law
6080 was felt most heavily by the religious dissenters.

6081 Most Friends and Mennonites in America lived in Pennsylvania. No
6082 state legislation specifically named these or any other pacifistic sect, but
6083 the Friends and Mennonites thought themselves singled out for special
6084 consideration. They objected strongly, protested visibly and refused to
6085 pay the tax.⁵⁴⁰ They had no intention of supporting defense efforts
6086 irrespective of the form that support might take.⁵⁴¹ The Pennsylvania
6087 Assembly on 5 April 1776 responded by increasing the non-associator's
6088 tax to £3/10/0, while also increasing the allowance for attending a drill to
6089 three shillings.⁵⁴²

6090 In August 1776 the Philadelphia Committee of Safety prepared a loyalty
6091 oath of 32 "Articles of Association in Pennsylvania," and ordered all
6092 militiamen to subscribe to it. Thirty companies of Philadelphia refused to
6093 sign. In response to the repeated demand for their signatures by their
6094 officers, the men drew up a petition of grievances. They elected a
6095 spokesman, James Cannon, professor of mathematics at the University of
6096 Pennsylvania, to state their objections. Simply stated, the privates'
6097 association argued that all citizens should contribute equally to
6098 maintenance of liberty. All male inhabitants between the ages of 16 and
6099 50 must immediately be enlisted into the militia. They provided

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6100 exemptions only for the disabled and clergy and, perhaps, elected
6101 officials.⁵⁴³ They objected to the exclusion of those opposed to war on
6102 religious grounds because they who took no risks profited from the risk-
6103 taking of those who did serve. If the patriots won the pacifists would gain
6104 enormous profits, some from supplying food and forage during the war,
6105 and if the patriots lost the Quakers would remain in the good graces of
6106 England because they had not been belligerents.⁵⁴⁴ Those who refused to
6107 bear arms in defense of the new nation must pay a penalty for their
6108 pacifism. Any exclusion of pacifists must make adequate provision for the
6109 "Dangers, Loss of Time and Expence incurred" by those who did defend
6110 the nation. Sensing a strong sentiment among so many enlisted men
6111 several county Committees of Safety concurred in the sentiment and
6112 argued against the exclusion of so many men from the ranks of the
6113 associators.⁵⁴⁵

The Unalienable Rights

6114 The Quakers, placed on the defensive, struck back with legal
6115 arguments. They had been exempted from military service for over a
6116 hundred years by terms of Penn's Charter and by laws of the provincial
6117 legislature. Their position, they argued, was known to all men of good
6118 will. Their religion taught that they could not "bear Arms, nor be
6119 concerned in warlike Preparations, either by personal Service, or by
6120 paying Fines, Penalties or Assessments, imposed in Consideration of our
6121 Exemption from such Services." They had come to Pennsylvania, they
6122 argued, precisely to avoid such persecution as the patriots now wished to
6123 impose on them, and that forcing one to do those things that were
6124 opposed to his principles were violations of the law of nations and God's
6125 law.⁵⁴⁶ In the autumn of 1776 the tax was again increased. Every non-
6126 associator between the ages of 16 and 50 was subjected to a tax of £1
6127 each month that he failed to attend muster. Additionally, property owners
6128 over the age of 21 were subjected to a tax of four shillings per pound of
6129 assessed property valuation.⁵⁴⁷ On 25 November 1776 the legislature
6130 passed new legislation which required registration of all able-bodied
6131 males, ages 16 to 50. The listing was to be submitted to both the county
6132 Committees of Safety and the provisional legislature. All who failed to
6133 register would be subject to a fine of £2/1/0. By October 1779 the failure
6134 to register subjected a pacifist to a fine of £100 to £1000.⁵⁴⁸

6135 In the summer of 1777 Pennsylvania called a constitutional convention.
6136 Among its many concerns was provision for the state militia. It resolved
6137 that all able-bodied men between 16 and 50 were to be enlisted in the
6138 militia. All who refused to be inducted into the militia were to be disarmed
6139 as well as fined. The legislature was empowered to punish all non-
6140 associators who showed the slightest inclination to support the enemy.

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6141 Their property could be confiscated, they might be imprisoned or even
6142 executed and their estates placed at public vendue. In August 1777 the
6143 Committee of Safety at Philadelphia received word that about 200 German
6144 religious dissenters, probably Dunkards, had organized in opposition to the
6145 militia fines. In an odd display of violence, they reportedly threatened to
6146 kill anyone who attempted to enlist them, collect a militia fine or make
6147 them muster.⁵⁴⁹ In May 1779 the Philadelphia militia demanded that the
6148 state assembly either confiscate a portion of the estates of non-
6149 associators or "leave it to the Militia . . . to Compell every able Bodied Man
6150 to join them." Those who had given their lives, they argued, "at least in
6151 the humbler grades, had as yet earned nothing, but poverty and
6152 contempt; while their wiser fellow citizens who attended to their interests,
6153 were men of mark and consideration."⁵⁵⁰ Throughout the summer of 1779
6154 the militiamen complained of high prices of all basic commodities, blaming
6155 the merchants who were non-associators.⁵⁵¹ The militia threatened "our
6156 drum shall beat to arms" if these wartime profiteers were not forced to
6157 bear their fair share.⁵⁵²

6158 General Washington, writing from Valley Forge on 19 January 1778,
6159 complained to the pacifists, "From the quantity of raw materials and the
6160 number of workmen among your people, who being principally against
6161 arms, remain at home, and manufacture, I should suppose you had more
6162 in your Power to cover [cloathe] your Troops well than any other state."⁵⁵³

6163 The patriots in Pennsylvania treated conscientious objectors badly on
6164 occasion. Outspoken Christopher Saur, Jr. (1721-1784), bishop of the
6165 pacifist German Baptist Brethren ["Dunkards"], opposed the war in his
6166 newspaper, *Pennsylvanische Staatsbote*, and in open debate. He
6167 complained in the summer of 1777 that patriot militiamen had stripped
6168 him naked, painted him with red and black oil, and cut his hair and
6169 beard.⁵⁵⁴

6170 John Roberts was a gunpowder maker, 1776-78, in Lower Merion
6171 Township, Philadelphia County. In February 1776 George Lösch reported
6172 that he was operating the gunpowder mill owned by John Roberts, about
6173 10 miles from Philadelphia. In July 1778 there was an explosion of about
6174 150 pounds of gunpowder, injuring no one, but demolishing the building.
6175 In August Richard Sill was trying to clean the mortars with a chisel and
6176 sixty pounds of gunpowder exploded killing Sill and blowing the roof off
6177 the building. In 1779 the powder mill was operated by John's son
6178 Thomas.⁵⁵⁵ Despite this service to his nation, in a time of grave need for
6179 gunpowder, in September 1778 Roberts, listed then in official proceedings
6180 as a miller, and a carpenter named Abraham Carlisle, were convicted of

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6181 treason for assisting British General Howe during the occupation of
6182 Philadelphia. Roberts at this time was almost 60 years old and had nine
6183 children. Both Roberts and Carlisle were Quakers and neither had
6184 betrayed military or state secrets or borne arms against the patriots.
6185 Technically, Roberts had violated Quaker principles by engaging in the
6186 very dangerous occupation of making gunpowder, or at least, in allowing
6187 munitions of war to be made on his property. Roberts' crime was
6188 evidently only that he had assisted in finding forage for the British army's
6189 horses. Both men gathered the signatures of many reputable citizens,
6190 including patriots and clergy, attesting to their high moral characters. The
6191 men might have escaped punishment had they withdrawn with Howe's
6192 army, as many others had done. The Committee of Safety refused to
6193 consider any petition and both were hanged on 4 November 1778.⁵⁵⁶

6194 Quakers were ambivalent toward the American cause and undecided
6195 what they must do to remain true to their religion while generally
6196 supporting independence.

6197 Up to the commencement of the Revolutionary War, the Society of Friends
6198 had maintained a controlling influence over public affairs in Pennsylvania.
6199 . . . Many members of the Society warmly espoused the American side of
6200 the question. An armed resistance against the tyrannical measures of the
6201 mother country had but few advocates in the beginning The Society
6202 of Friends, having maintained a testimony against war and bloodshed, it
6203 was not to be supposed that its members would advocate a policy . . .
6204 certain to produce this result. When it became necessary to resort to
6205 "carnal weapons" the Quakers who had before been active, withdrew from
6206 the controversy, and a very large majority of the Society assumed and
6207 maintained a position of passive neutrality throughout the war. Still there
6208 was a considerable number who openly advocated a resort to arms
6209 [in Delaware County, Pennsylvania] 110 young men were *disowned* by the
6210 Society for having entered military service its proportion of Tories
6211 was greatly exaggerated.⁵⁵⁷

6212 Members of the Society of Friends and other religious objectors had
6213 only been exempted relatively late from military service in Virginia. An
6214 amendment passed in 1766 exempted Quakers from serving in the militia
6215 under the act of 1757. The 1766 act renewed the list of those exempted
6216 from militia, adding physicians and surgeons, Quakers and other religious

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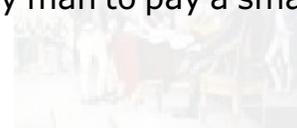
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6217 dissenters, tobacco inspectors at public warehouses, acting judges and
 6218 justices of the peace. Quakers were not required to buy a complete set
 6219 of arms for public use, although the others exempted came under that
 6220 obligation. Quakers had to present a certificate from their meeting houses
 6221 certifying their membership, and if a Quaker was excommunicated or left
 6222 the sect, he immediately became liable to militia service. In times of
 6223 emergency Quakers were required either to muster or to purchase the
 6224 services of a substitute, on the penalty of £10.⁵⁵⁸

6225 On 17 July 1775 the Third Virginia Convention excluded "all Quakers
 6226 and the people called Mononists [Mennonites]" from "serving in the militia,
 6227 agreeable to the several acts of the General Assembly of this colony, made
 6228 for their relief and indulgence in this respect."⁵⁵⁹ The measure proved to
 6229 be unpopular. On 19 June 1776 the Committee of Safety of Frederick
 6230 County sent a memorial to the Fifth Virginia Convention setting forth its
 6231 objections. Why, the petition asked, would it not be fair and equitable to
 6232 allow any man to avoid militia service by claiming he was a conscientious
 6233 objector? Why should the legislature not allow any man to pay a small fee
 6234 and escape risking his life in militia service?

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6235 [We] beg leave to represent the injustice of subjecting one part of the
 6236 Community to the whole burthen of Government while others equally
 6237 share the benefits of it that they humbly suggest that if in lieu of bearing
 6238 Arms at general and private Musters the said Quakers and Menonists were
 6239 subjected to the payment of a certain sum to be annually assessed by the
 6240 County Courts and in case the Militia should be called into actual Service
 6241 they should be draughted in the same proportion as the Militia of the
 6242 County and on their refusal to serve or provide able bodied men to serve
 6243 in their places respectively that they were liable to the same fines as other
 6244 Militia men in like cases are subject.⁵⁶⁰

6245 When Congress passed the national militia registration law on 28
 6246 October 1775, it provided that, "such persons only [are to be] excepted
 6247 whose religious principles will not suffer them to bear arms, who are
 6248 hereby particularly exempted therefrom."⁵⁶¹ The Continental Congress
 6249 advised the states that "individual religious scruples be respected."⁵⁶² The
 6250 Congress had no power to implement these recommendations.

6251 Catholics were expressly forbidden to keep and bear arms in both

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6252 Pennsylvania and Maryland. They were not granted exemptions from
6253 appearing at musters merely because they could not possess arms. There
6254 is a certain irony in the prohibition in Maryland because it was founded as
6255 a haven for Catholics. The Pennsylvania Militia Act of 1757 provided,

6256 Whereas all Papists and reputed Papists are hereby exempted from
6257 attending and performing the Military Duties enjoined by this Act on the
6258 Days and Times appointed for the same. And nevertheless will partake of
6259 and enjoy the Benefit, Advantage and Protection thereof, Be it therefore
6260 enacted by the authority aforesaid, That every male Papist or reputed
6261 Papist, between the age of Seventeen and Fifty five Years, within the
6262 several Districts or Divisions so to be made by the Sheriff of each County
6263 within this Province, shall and they are hereby enjoined & required to pay
6264 on Demand to the Captain of the Company of the District in which he
6265 resides, the Sum of Twenty Shillings to be recovered of him. in case of his
6266 Neglect or Refusal, in the same manner as the Fines and Forfeitures of the
6267 Persons enrolled in the Militia, are hereby directed to be recovered, and
6268 applied to the same Purposes as the said Fines and Forfeitures are
6269 directed by this Act to be, applied. And that the Parents of every such
6270 Male reputed Papist, above Seventeen Years of Age, and under Twenty-
6271 one, shall pay the said sum of Twenty Shillings for every such Minor under
6272 the Age last aforesaid.⁵⁶³

6273 On 6 April 1776 the Continental Congress debated legislation dealing
6274 with "non-associators." The speakers distinguished between those who
6275 had refused to bear arms on account of their religious beliefs and those
6276 who had simply refused to associate with the new nation. Congress voted
6277 to disarm all non-associators other than religious dissenters. "Resolved,
6278 that it be earnestly recommended by this House to all well affected Non-
6279 Associators who are possessed of arms, to deliver them to Collectors . .
6280 . as they regard the freedom, safety and prosperity of their country."⁵⁶⁴

6281 The exemption of conscientious objectors who were members of known
6282 religious sects that were opposed to war carried over to the constitutional
6283 period. When, on 8 June 1789, James Madison introduced a series of
6284 amendments to the new national Constitution, his article providing for the
6285 right to keep and bear arms provided that "no person religiously
6286 scrupulous of bearing arms shall be compelled to render military service
6287 in person." Elbridge Gerry objected, not to exempting religious objectors,

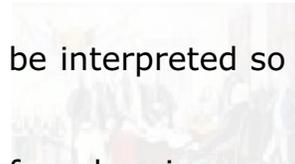
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6288 but to the language of the proposal which might be interpreted so as to
6289 deny arms to religious minorities.⁵⁶⁵

6290 The New York Constitution exempted Quakers from bearing arms, but
6291 required them to make monetary donations in lieu of actual service.
6292 However, it made no provision to exempt other persons who were
6293 conscientiously opposed to military service.⁵⁶⁶ The New Hampshire
6294 Constitution of 1784 provided exemptions from military service for those
6295 who, by reasons of conscience and religion, were opposed to bearing
6296 arms. Conscientious objectors, however, had to bear the costs of hiring
6297 replacements.⁵⁶⁷

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6298

The Continental Militia

6299 The idea of some sort of national militia, or at least national control
6300 over the provincial militias, had been advanced in the several early plans
6301 for military alliance or union discussed at length, above. Especially after
6302 Braddock's defeat, and as the colonies approached armed rebellion to
6303 establish their independence, American leaders from all over emphasized
6304 the traditional role of the militia as the primary defense of the nation.
6305 Moreover, it was the one and only military institution which exemplified a
6306 virtuous citizenry. A vigorous militia proved the virtue of the sturdy
6307 American agrarian yeomen, whether rural farmer or urban tradesmen.
6308 Such a sturdy and virtuous force could carry any war against any
6309 opposition, the best standing armies included.⁵⁶⁸

6310 During the Revolution, the United States had 395,858 men enlisted in
6311 its armed forces, of which 164,087 were militia. At no point did the British
6312 army ever have more than 42,000 troops stationed in its former colonies.
6313 The role of the national government in establishing and maintaining some
6314 sort of citizen militia or formal reservoir of trained manpower was, at this
6315 point, absolutely minimal.

6316 Several authorities have pointed out that the primary role played by
6317 militia lay in securing land and population, denying them to the oncoming
6318 British and Tory forces. They have also noted that the Revolution, in
6319 effect, was won before it had begun because its leaders, with the
6320 assistance of the militia, had secured control of the instruments of
6321 coercion and authority. These leaders controlled the militia which acted
6322 as agents of government, to a degree as *posse comitas*, to maintain that
6323 vital political control throughout the entire war.⁵⁶⁹

6324 On 23 March 1775 the Continental Congress debated the use of the
6325 militia. It resolved,

6326 That a well regulated Militia, composed of Gentlemen and Yeomen, is the
6327 natural strength and only security of a free Government; that such a
6328 militia . . . would forever render it unnecessary for the Mother Country to
6329 keep among us, for the purpose of our defence, any Standing Army of
6330 mercenary forces, always subversive of the quiet, and dangerous to the
6331 liberties of the people, and would obviate the pretext of taxing us for their

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6332 support. That the establishment of such a Militia is at this time peculiarly
6333 necessary, by the state of our laws for the protection and defence of the
6334 Country⁵⁷⁰

6335 The Continental Congress discussed at length the difference between
6336 the militia and a standing army. Its conclusion and observation reads as
6337 follows.

6338 And here lies the distinction between the Militia-men and Regulars: the
6339 former, at the hazard of their lives, are to execute no unjust, unnatural,
6340 unconstitutional orders; the latter, even at the peril of their lives, must
6341 implicitly and unhesitatingly obey every order they receive from their
6342 commanding officers, even if it were to lay the whole City of London in
6343 ashes this very moment, or to rip open the bowels of every pregnant
6344 woman in the Kingdom, their own Mothers not excepted.⁵⁷¹

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6345 The twelve other colonies reacted to the confrontation between patriots
6346 and British soldiers in Massachusetts by mobilizing their own citizen-
6347 soldiers. A correspondent from South Carolina wrote to his friend in
6348 London, discussing events of the time, military preparations and American
6349 morale.

6350 In consequence of the action of the 19th ult. (so disgraceful to the King's
6351 troops) the Provincial Congress immediately voted a standing army of
6352 30,000 men, of which 12,800 are to be of the province of Massachusetts,
6353 the rest from Connecticut, New Hampshire, and Rhode Island; and have
6354 appointed General Ward Commander in Chief; Major General Putnam, of
6355 Connecticut, was ready with 6,000 troops, and it was supposed would be
6356 the second in command. Sixty thousand men were in arms at Cambridge,
6357 and the Congress sent word to all the inhabitants of the sea ports to
6358 remove immediately, or expect no protection. The town of Boston
6359 capitulated to lay down their arms, and march out on the 25th. They have
6360 accordingly laid down 2,500 stand, and no injury had been done to the
6361 inhabitants. The resolution was, to attack the town and castle on the
6362 29th, in confidence that they should carry it. The General was removing

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6363 his best effects out of the town; and when the Tories resorted to him, to
6364 know where they were to be protected, if he surrendered the town, he
6365 only d--- them a parcel of vermin, who had abused him in the
6366 representations of those people. The mode proposed to advance to the
6367 fortifications, by General Putnam, was by fascines made of hay, pressed
6368 into bundles, and pushed forward upon jacks. Three days after the
6369 engagement two of General Gage's most able engineers deserted and
6370 came over to the Congress. Lord Percy said at table, he never saw
6371 anything equal to the intrepidity of the New England minute men.
6372 Marblehead was blocked up by a man of war, and Capt. Allen (who
6373 brought us the above intelligence in 13 days) was chased out to sea when
6374 he left Salem. In short (he says) nothing could equal the spirit and
6375 firmness of the province. I am afraid before this day thousands may be
6376 slain on both sides. We do not fear all the force that can be sent against
6377 us, for we have a just cause in hand, and no doubt but we shall meet
6378 protection in a merciful God. . . . Our companies of artillery, grenadiers,
6379 light infantry, light horse, militia, and watch are daily improving
6380 themselves in the military art. We were pretty expert before, but are now
6381 almost equal to any soldiers the King has. It is talked of raising a
6382 company of Split Shirts immediately.⁵⁷²

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6383 The Second Continental Congress on 14 June 1775 voted to raise ten
6384 rifle companies: six from Pennsylvania, two from Maryland and two from
6385 Virginia.⁵⁷³ These men were armed with rifled guns of their own, in
6386 various calibers and sizes. In the period of the American Revolution the
6387 musket was the military weapon. It was unrifled in the gun barrel, thus
6388 somewhat inaccurate beyond fifty yards, and suitable for mounting with
6389 a bayonet. Only the state or colony owned muskets. Unrifled arms used
6390 by civilians in their own homes were called fowling pieces, a sort of single
6391 barrel shotgun; or "smooth rifles," a translation of the German term,
6392 meaning that the gun was configured as a rifle, but with large, unrifled
6393 bore. John Adams showed the lack of knowledge of rifled arms that we
6394 might expect of a city dweller. He was amazed at the accomplishments
6395 of the frontiersmen. He wrote,

6396 They have voted ten companies of riflemen to be sent from Pennsylvania,
6397 Maryland and Virginia, to join the army before Boston. These are an
6398 excellent species of light infantry. They use a peculiar kind of musket,
6399 called a rifle. It has a circular . . . grooves within the barrel, and carries

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6400 a ball with great exactness to great distance. They are the most accurate
6401 marksmen in the world.⁵⁷⁴

6402 Leaving no doubt as to the cause of the conflict between the colonies
6403 and the mother nation, on 6 July 1775 representatives from
6404 Massachusetts introduced to the Continental Congress a document drafted
6405 by Thomas Jefferson and John Dickinson, the "Declaration of the Causes
6406 and Necessity of Taking up Arms." The document described how General
6407 Gage's troops disarmed the compliant citizen-soldiers of Boston.

6408 The inhabitants of Boston being confined within that town by the general
6409 their governor, and having, in order to procure their dismissal, entered
6410 into a treaty with him, it was stipulated that the said inhabitants having
6411 deposited their arms with their own magistrates, should have liberty
6412 depart, taking with them their other effects. They accordingly delivered
6413 up their arms, but in open violation of honour, in defiance of the obligation
6414 of treaties, which even savage nations esteemed sacred, the governor
6415 ordered the arms deposited as aforesaid, that they might be preserved for
6416 their owners, to be seized by a body of soldiers; detained the greatest
6417 part of the inhabitants of the town, and compelled the few who were
6418 permitted to retire, to leave their most valuable effects behind. By this
6419 perfidy wives are separated from their husbands, children from their
6420 parents, and the aged and sick from their relations and friends, who wish
6421 to attend and comfort them, and those who have been used to live in
6422 plenty and even elegance, are reduced to deplorable distress.⁵⁷⁵

6423 On 26 October 1775 the Continental Congress "recommended to the
6424 Several Provincial Assemblies" that they export to the West Indies and
6425 elsewhere "produce except horned Cattle, Sheep, Hogs and Poultry" so
6426 that they might exchange or sell these items to obtain arms and
6427 ammunition wherewith to arm their own militias and men of the Continen-
6428 tal Line.⁵⁷⁶ On 28 October 1775 the Congress passed a national militia
6429 law. That law directed,

6430 That each and every Captain in the Colonies within 10 days after the

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6431 publication hereof shall make out a list of all persons residing in his District
6432 capable of bearing Arms, between the ages of 16 and 50 years, . . . to
6433 enroll themselves by signing a Muster Roll And it is further Resolved,
6434 That every person directed to be enrolled as above shall, at his place of
6435 abode, be also provided with one pound of Powder and three pounds of
6436 Bullets of proper size to his Musket or Firelock . . . [and] to furnish himself
6437 with a good Musket or Firelock, and Bayonet, Sword or Tomahawk, a steel
6438 Ramrod, Worm, Priming Wire and Brush fitted thereto, a Cartouch Box to
6439 contain 23 rounds of Cartridges . . . under the forfeiture of two Shillings
6440 for the want of a Musket or Firelock⁵⁷⁷

6441 The Continental Congress recommended that the states recruit all free,
6442 white American citizens between the ages of sixteen and sixty years into
6443 their militia units.⁵⁷⁸ It suggested that states not enlist apprentices or
6444 indentured servants without the consent of masters. It also suggested
6445 that no man under 5'5" tall or over age 50 be recruited or drafted from
6446 the militias.⁵⁷⁹ Few states used these congressional guidelines.⁵⁸⁰

6447 On 26 December 1775 the Continental Congress sent a circular letter
6448 to the various state Councils of Safety, advising on policy on an unusual
6449 problem. It had come to the attention of members of the Congress that
6450 men had sought to avoid both militia service and draft or other induction
6451 from the militia into the Continental Line by contracting debts and then
6452 failing to pay these debts so that they were thrust into debtor's prison.
6453 Other men may have been imprisoned for debts honestly contracted and
6454 unpaid because of circumstances beyond the control of men who had no
6455 intent to deceive. It recommended that the states not imprison any
6456 militiaman or soldier for debts less than \$35. It also suggested that the
6457 states check prison and court records to ascertain what men might have
6458 already escaped service in this manner and release, perhaps enlist or
6459 draft, them. "It has always been found necessary in Time of War to
6460 regulate and restrain a Practice of such pernicious Tendency." Congress
6461 thought that the practice of imprisoning men for debts was most
6462 reprehensible, whether on the part of debtors or creditors, while brave
6463 men were dying.⁵⁸¹

6464 By mid-1776 the Continental Congress had seen the folly of enlisting
6465 men for short periods of time, the terms of draftees to expire in from 30
6466 to 90 days. The militiamen had insufficient time to drill and gain even
6467 minimal battle experience before their time of enlistment had expired and
6468 they were replaced by an even more inexperienced group of recruits and

6469 conscripts from state militias. While state militias may have offered their
6470 best men in the first few drafts, the incentive, after a time, was to send
6471 out the worst of their numbers. We must recall that the state militias had
6472 great responsibilities to their own citizenry. The state militias were all that
6473 stood between the generally unarmed civilians and invasions from both
6474 English and Amerindian invasions and incursions. The state militias had
6475 to garrison various fortified positions and actual forts, protect lines of
6476 transportation and communication, guard the seacoast and maintain the
6477 seacoast watch, and protect military stores and vital manufactories which
6478 supplied arms, munitions clothing, food and other supplies. Although most
6479 states theoretically used a lottery system to draft militiamen into the
6480 regular army, we may reason that the militia officers and local political
6481 authorities had some input into the actual selections.

6482 In June 1776, Congress, realizing that many urban militiamen were not
6483 accustomed to the use of firearms, and were unlikely to hit a target,
6484 ordered the use of multiple balls in the arms. Specifically, Washington
6485 suggested that "they load for their first fire with one musket ball and four
6486 or eight buckshot, according to the size and strength of their pieces."⁵⁸²
6487 Congress then ordered a quantity of buck-shot, then called swan shot.

6488 In early June 1776 Congress apportioned among the states the
6489 numbers of men required to serve in the militia for defense of the nation.
6490 Congress ordered six thousand of the militia, to reinforce the army in
6491 Canada, and keep up a communication with that province. Massachusetts
6492 is requested to furnish of their militia, for that purpose, four battalions,
6493 3,000; Connecticut, two battalions, 1,500; New Hampshire, one
6494 battalion, 750; New York, one battalion, 750. To reinforce the army at
6495 New York, there are ordered of the militia, 13,800; Massachusetts is
6496 requested to furnish thereof, 2,000; Connecticut is requested to furnish
6497 thereof, 5,500; New York is requested to furnish thereof, 3,000; New
6498 Jersey is requested to furnish thereof, 3,300⁵⁸³

6499 Soon after, Congress ordered a flying camp to be formed, to consist of
6500 ten thousand militia, and to be furnished as follows: Pennsylvania, 6,000;
6501 Maryland, 3,400; Delaware government, 600. The Congress also empow-
6502 ered General Washington to employ in Canada, Indians, 2,000⁵⁸⁴

6503 On 15 September 1776 Richard Henry Lee wrote to Patrick Henry,
6504 governor of Virginia, from Philadelphia, reporting on the disposition of the
6505 British army. "The enemies' force is very considerable," he wrote, "being
6506 by best accounts about 24,000 men, besides their Canada army, which is
6507 about 7000." As of the date of his letter, Lee said that the American army
6508 consisted of only 13,000 men under General Horatio Gates. Lee com-
6509 plained of the "large frequent desertions of the militia" which had
6510 weakened Gates' force.⁵⁸⁵ Soon after George Washington lodged a similar

6511 complaint, noting that the militia "as soon as they are fairly fixed in camp
6512 are impatient to return to their own homes." Moreover, Washington said,
6513 the militia had "an utter disregard of all discipline and restraint among
6514 themselves" and who were "too apt to infuse a like spirit in others."⁵⁸⁶

6515 In September 1776 the Continental Congress voted to raise 86
6516 battalions of the Continental Line, with 726 men in each battalion, bringing
6517 the total enlistment to about 63,000 men. Initially, the Congress ordered
6518 that men be enlisted for the "duration of the war," but strong pressures
6519 and political realities forced it, on 12 November 1776, to reduce the term
6520 to three years maximum service. Congress assigned quotas to the states
6521 based upon state population, based in large on militia enrollment lists.
6522 Massachusetts and Virginia were initially assigned fifteen regiments, later
6523 increased to eighteen regiments. New Jersey and New York had quotas
6524 of four regiments. Rhode Island had a quota of two, later increased to
6525 three. Connecticut and New Hampshire were assigned three regiments.
6526 Pennsylvania was to recruit a dozen; Delaware and Georgia, one;
6527 Maryland, eight; North Carolina, nine; and South Carolina, six. Voluntary
6528 enlistments were rewarded with a bounty of £20 and an additional
6529 promise of 100 acres of land upon completion of enlistment. The states
6530 were to clothe and equip their men and they were given considerable
6531 latitude in selecting the color and style of uniforms. States were expected
6532 to draft troops from their militia lists, in any way they chose, if necessary
6533 to fill their quotas.⁵⁸⁷ Virginia was so successful that it quickly filled its
6534 quota and Governor Henry allowed John Wood, governor of Georgia, to
6535 recruit men in Virginia to fill its quota.⁵⁸⁸ Other states had more
6536 difficulties, and by 1779, Virginia was having its problems with
6537 recruitment.

6538 Congress and the states both came to realize the truth of General
6539 Washington's observation made to Virginia Governor Patrick Henry on 4
6540 October 1776 that voting regiments was a materially different thing from
6541 actually raising troops. He wrote to the committees of safety on 22
6542 December 1776, demanding reinforcements to be allocated from the state
6543 militias. Washington pointed out that "in less than ten days from this
6544 time, my army will be reduced to a few from Virginia, and one Maryland
6545 regiment, Colonel Hand's, and the regiments lately under Colonel Miles,
6546 all very thin."⁵⁸⁹ By 1779 Congress had raised the bounty for volunteers
6547 from £20 to \$200.

6548 The Continental Congress had begun to consider an instrument of
6549 government as early as 7 June 1776, and on 15 November 1777 it had
6550 prepared a draft which it sent to the states. Nine states had approved it
6551 by July 1778, although it was not approved by all the states until 1 March
6552 1781. One provision of the Articles of Confederation dealt with the militia.
6553 It required that,

6554 Every state shall always keep up a well regulated and disciplined militia,
6555 sufficiently armed and accoutred, and shall provide and constantly have
6556 ready for use, in public stores, a due number of field pieces and tents, and
6557 a proper quantity of arms, ammunition and camp equipage.⁵⁹⁰

6558 Throughout the nineteenth century European armies deployed in clear
6559 lines, usually three deep, to maximize fire-power from the increasingly
6560 valuable flint-lock musket which was best discharged in volleys. The lines
6561 remained tightly packed in order to be able to ward off cavalry charges.
6562 In North America there were far fewer cavalry units to be feared, so the
6563 densely-formed lines were not required as they had been in Europe. In
6564 dense frontier areas troops which stood shoulder to shoulder and threw
6565 unaimed volleys against invisible enemy fighting from behind rocks and
6566 trees had little impact, but offered inviting targets. The British army
6567 learned only slowly from Braddock's defeat, but the notable exception to
6568 that lethargy was Sir William Howe. An advocate of light infantry tactics,
6569 he had added a company of light infantry to every battalion. He also
6570 thought that lines engaged in colonial warfare could be placed at least
6571 arm's length from one another and lined only two deep.

6572 At the beginning of the American Revolution opinion was divided
6573 between those, like George Washington, who preferred to create a true,
6574 professional army, and those, like Charles Lee, who preferred to retain a
6575 militia system. In general, political power in the state governments lay
6576 with those who were opposed to the creation of a standing army which,
6577 after the war, might be equally dangerous to states' rights as to individual
6578 liberties. The states generally adopted a paradoxical stance. On the one
6579 hand, they wished to have the national government be responsible for as
6580 many bills and expenses as possible. On the other hand, they did not wish
6581 to cede powers and prerogatives to the national government, and most
6582 especially, remained throughout the war adamantly opposed to granting
6583 to the national government any power to tax. They also opposed granting
6584 too many powers to the national government, and among those powers
6585 they denied to it, were especially the powers to draft state militiamen or
6586 call the state militias into national service, appoint state militia officers,
6587 establish standards for training of militia and provide for the use and
6588 disposition of the militia. Among the most significant decisions
6589 Washington made during his long and distinguished career was that which
6590 insisted on the creation of a European-style army. As one authority wrote,

6591 [I]t is characteristic that Washington and the cautious men who shared
6592 military leadership with him placed their principal military reliance not on
6593 a mass rising but on the hope of building a professional army. . . . In the
6594 end he succeeded. His Continental Army did become a force whose best
6595 units were comparable to the British regulars. . . . For years it was
6596 Washington's maintenance of a body of Continental regulars that kept the
6597 Revolution alive.⁵⁹¹

6598 While the issue was not fully decided in favor of the standing army as the
6599 mainstay of American defense until long after Washington was dead, the
6600 trained army was created during the American Revolution.

6601 Washington had little regard for the typical recruit from militia to the
6602 army. On 20 July 1775 he wrote to his brother from Boston, "I came to
6603 this place the second instant & found a numerous army of Provincials
6604 under very little command, discipline, or order."⁵⁹² During the French and
6605 Indian War he found that the militia conscripts were "loose, idle persons
6606 that are quite destitute of House and home."⁵⁹³ As early as 1775
6607 Washington expressed his reservations about relying on the militia during
6608 a war with Great Britain. He complained to Joseph Reed of Pennsylvania,
6609 of "the dearth of public spirit and want of virtue . . . in this great military
6610 arrangement." So troublesome was the militia that he told Reed, "Could
6611 I have foreseen what I have, and am likely to experience, no consideration
6612 upon earth should have induced me to accept this command."⁵⁹⁴

6613 The inglorious retreat from Lexington and Concord, the Battle of
6614 Bunker Hill, and like "victories" were only minor skirmishes for the British.
6615 They served as morale boosters for the rebels, but Washington recognized
6616 that their primary value was in including recruits to enlist in the colonial
6617 forces. These victories did not produce the needed recruits and
6618 Washington lamented that without more men "the game will be pretty well
6619 up."

6620 Further, Washington knew that these successes would not be repeated,
6621 unless the British made catastrophic mistakes. And even a series of such
6622 mistakes would inevitably lead to change of command, better leadership
6623 and more precise strategy. In the meanwhile, militia victories would lure
6624 the Continental Congress into a false sense of security and given the
6625 militias undue prestige. These things would tend to prolong the creation
6626 of a true army. As the war dragged on, Washington would have more
6627 difficulty in maintaining his forces, for the militias served ordinarily for
6628 brief periods of service of six months or so, and were notorious for
6629 deserting in whole companies when the campaign was not going well.
6630 Overall Washington thought the militia was a bad influence on his regular

6631 soldiers.

6632 Charles Lee urged the patriot leaders to fight a wholly guerilla war. He
6633 knew that the British regular army could occupy the seaboard cities at will
6634 and there would be precious little he, Washington or anyone else could do
6635 about it. He thought that the development of a sufficient professional
6636 army able to meet the British army head on would, in the long run,
6637 become a power beyond the ability of the legislature to control and
6638 potentially destructive of civil liberties. Had the leaders chosen to
6639 withdraw to the impenetrable mountains they would be yielding not only
6640 a large amount of territory and many people to the British army, but
6641 would be granting to the British the political control of the both and also
6642 the rich agricultural fields of the east. In any event Lee's proposal was
6643 impolitic and had support from neither Congress nor Washington's staff.

6644 General Horatio Gates was another voice among those who held the
6645 militia in high esteem and willing to publicly dispute Washington on that
6646 point. "Washington would suffer greatly without their aid," Gates mused.
6647 Gates argued that the best of men wished to escape permanent military
6648 service and were willing to serve in the military only for short stretches of
6649 time and to achieve limited purposes. They loathed garrison and frontier
6650 duty. They had too much to do regarding their own businesses. Only the
6651 meanest derelicts and chronically, although sometimes temporarily,
6652 unemployed sought enlistment in an army as a means of earning money.
6653 Anyone who sincerely sought employment in a time of war could find it as
6654 there was much to be done and few to do it. Gates did wish for some
6655 additional militia discipline, but thought that militiamen merely needed
6656 direction whereas soldiers in standing armies, because of their usual
6657 idleness and lethargy, to say nothing of their inferior character, needed
6658 harsh discipline and constant supervision from dedicated officers.⁵⁹⁵

6659 Washington was quite correct in his assessment of the militia. As a
6660 system of military organization the militia had always been tied to a
6661 professional army. The medieval *fyrđ* was necessarily related to the
6662 *houscarl*. The semi-trained militia, the *fyrđ*, had been called up
6663 exclusively for short periods of time, had been allowed to return to their
6664 home in time for planting or harvesting, and enjoyed considerable
6665 freedom and independence in battle. Only rarely were they used in major
6666 and important service, and it was accepted strategy for an attacking army
6667 to ferret out of the militia lines and then to launch a major attack there in
6668 hopes, generally fulfilled, of causing an overall rout of the opposing forces.
6669 So unreliable had the militias in Europe become that, by the end of the
6670 sixteenth century, they had been wholly replaced by trained professional.

6671 At a meeting of the Board of War, January 30, 1777, agreed to report
6672 to Congress: "That the several Councils of Safety, Governors of

6673 legislatures of the respective States take the most effectual steps to
6674 collect from the inhabitants not in the actual service, all Continental arms,
6675 and give notice of the numbers they have so collected to General
6676 Washington. That all Arms and Accoutrements belonging to the U. S. shall
6677 be stamped and marked with the words *UNITED STATES* on the barrels
6678 and locks and bayonets already made and those to be hereafter
6679 manufactured in these States; and all arms or accoutrements so stamped
6680 or marked shall be taken wherever found for the use of the States."

6681 Not long after independence had been declared General George
6682 Washington embarked on a campaign that he knew entailed risking total
6683 defeat. In the summer and early fall of 1776 he lost one engagement
6684 after another. Possibly, he was gambling on being defeated on paper,
6685 while being able to escape with remnants of this tattered army. If that
6686 was indeed the case, British General William Howe played directly into
6687 Washington's hands, for he failed completely to follow up on his victories.
6688 Perhaps Washington read Howe's mind all too well. In the late fall and
6689 winter 1776-77 Washington was able to salvage a few victories, sufficient,
6690 at least, to stave off total defeatism in his army as they settled down for
6691 the winter.

6692 This warning of probable defeat should we retain a fundamentally
6693 untrained army of citizen-soldiers fell on partially deaf ears as the
6694 Congress was quite willing, for the most part, to fight a war of attrition,
6695 hoping to grind the British down to the point that a stalemate would bring
6696 recognition of our independence. Besides, the French might intervene on
6697 our behalf, ensuring victory. A year later the prospects for the criterion
6698 of a true army were as dismal as before and Washington was managing
6699 to the satisfaction of the Congress. Washington's argument that *jaegers*,
6700 skilled marksmen, riflemen and even light infantry bend to, even flee
6701 from, advances of a solid regular line. If the political and military
6702 authorities wished to hold the eastern cities they had to match the British
6703 army.

6704 Events turned more toward the colonists daily. Howe's enclave theory
6705 had resulted in the occupation of cities, such as Philadelphia, but without
6706 producing tangible results. The British knew they could continue to
6707 occupy the cities almost at will, but that they could only venture out into
6708 the countryside in brief, and wholly indecisive, forays. The wilderness
6709 campaign of "Gentlemen Johnny" Burgoyne had ended in disaster, and this
6710 with militia forces. Burgoyne complained that where there had been no
6711 discernible forces only hours before, thousands of militiamen had
6712 assembled, as if arising from the earth fully grown and equipped.
6713 Burgoyne commented, "wherever the King's forces point, militia to the
6714 amount of 3000 to 4000 assemble within twenty-four hours." A Swiss
6715 military observer wrote, "The Americans would have been less dangerous

6716 if they had a regular army."⁵⁹⁶ A French officer assessed the implications
6717 of Burgoyne's defeat.

6718 Such are the conditions upon which Burgoyne surrendered: 5500 men
6719 have therefore marched past foaming with rage and cursing their General,
6720 to whom they have said that they would sooner be reduced to two ounces
6721 of biscuit a day than surrender; and they have turned over 6000 excellent
6722 firearms, 40 pieces of cannon and the best munitions which have yet been
6723 seen on this Continent. Never will the Englishmen wipe out this shame;
6724 5500 men of the best troops surrendered at the discretion to less than
6725 10,000 militia.⁵⁹⁷

6726 The American rifleman continued to impress the Europeans. An officer
6727 in a Jaeger unit attached to Colonel Tarleton's American Loyalist corps
6728 observed the superior marksmanship of the American militiamen with their
6729 rifles. He wrote,

6730 I never in my life saw better rifles (or men who shot better) than those
6731 made in America I am not going to relate anything respecting the
6732 American war, but to mention one instance, as proof of the most excellent
6733 skill of an American rifleman. If any man show me an instance of better
6734 shooting, I will stand corrected. . . . A rifleman passed over the mill dam,
6735 evidently observing the two officers, and laid himself down on his belly
6736 (for it is in such positions they always lie) to take a good shot at long
6737 distance Now observe how well this fellow shot Colonel
6738 Tarleton's horse and mine, I am certain, were not anything like two feet
6739 apart. . . . [T]he bugle-horn man behind us and directly central jumped off
6740 his horse and said, 'Sir, my horse is shot.' The horse staggered, fell down,
6741 and died. . . . I can positively assert that the distance he fired from, at us,
6742 was full 400 yards."⁵⁹⁸

6743 *The London Chronicle* in 1775 had noted the prowess of the American
6744 citizen-soldiers.

6745 This Province [of Pennsylvania] has raised 100 rifle-men, the worst of
6746 whom will put a ball into a man's head at a distance of 150 or 200 yards,

6747 therefore advise your officers who shall hereafter come to America, to
6748 settle their affairs in England before their departure.⁵⁹⁹

6749 A correspondent who signed as "A Democratic Federalist" entered the
6750 federal debate of 1787. His later day observations reflected much of
6751 American libertarian (or Anti-federalist) thought in 1776 or in 1787. He
6752 made these observations on the early American revolutionary citizen-
6753 army,

6754 Had we a standing army when the British invaded our peaceful shores?
6755 Was it a standing army that gained the battles of Lexington and Bunker's
6756 Hill, and took the ill-fated Burgoyne? Is not a well regulated militia
6757 sufficient for every purpose of internal defense? And which of you, my
6758 fellow citizens, is afraid of any invasion from foreign powers, that our
6759 brave militia would not be able immediately to repel?⁶⁰⁰

6760 Had Washington been given a regular army early on, the results might
6761 have been far less fortunate. Richard Henry Lee was delighted. A
6762 standing army, once created, would be impossible to dismiss, and, as we
6763 all knew, a standing army is the greatest danger to our liberties. We could
6764 not afford to win the war only to entrench a new tyranny. Lee wrote of
6765 the militia,

6766 A militia, when properly formed, are in fact the people themselves, and
6767 render regular troops in a great measure unnecessary . . . [T]he militia
6768 shall always be kept well organized, armed and disciplined , and include
6769 . . . all men capable of bearing arms, and that all regulations tending to
6770 render this general [unorganized] militia useless and defenceless, by
6771 establishing select corps of militia, or distinct bodies of military men
6772 [standing army or organized militia], not having permanent interests and
6773 attachments in the community to be avoided.⁶⁰¹

6774 Indeed, Lee was convinced that America could only win its war for
6775 independence by fighting what a later age would call a guerilla or partisan
6776 war. The patriots would operate out of mountain enclaves on the frontier,
6777 harassing the British forces in their enclaves in the eastern seaboard

6778 cities. He preferred decentralized political power and diffusion of
6779 command among state and local leaders. In a letter to Patrick Henry, Lee
6780 expressed his sentiments.

6781 Mr. Howe will not be gratified with the possession of this city
6782 [Philadelphia]. And if he gained 20 such cities, still he would be short of
6783 gaining the point mediated over America. You remember, Sir, we told
6784 them from the beginning that we looked on our Cities and Sea Coasts as
6785 devoted to destruction, but that ample resources were still left for a
6786 numerous, brave and free people to be content with.⁶⁰²

6787 Lee was supported by such libertarians as Patrick Henry and Samuel
6788 Adams. Adams wrote,

6789 A standing army, however necessary it may be at some times, is always
6790 dangerous to the liberties of the people. Soldiers are apt to consider
6791 themselves as a body distinct from the rest of citizens. They have their
6792 arms always in their hands. Their rules and their discipline is severe.
6793 They soon become attached to their officers and disposed to yield implicit
6794 obedience to their commands. Such a power should be watched with a
6795 jealous eye.⁶⁰³

6796 Thomas Paine had come to their philosophical support, arguing what
6797 would become the main support of the French and other liberal European
6798 revolutions: that the best warfare for independence involved the whole
6799 aroused and armed population. Nothing was more powerful than the
6800 dedicated citizenry fighting arm-in-arm with their relatives and neighbors
6801 for a heartfelt ideological cause. An army could be defeated, but never
6802 an entire nation. And Paine in "The Crisis" and elsewhere had shown the
6803 world how to arouse an entire population. George Mason argued that the
6804 nation must preserve a militia comprised of all the people and reiterated
6805 the common libertarian fear of creating a standing army which might not
6806 be easily disbanded.⁶⁰⁴

6807 The militiamen proved to be effective as shock troops. They wreaked
6808 havoc in the British lines at the Battle of Bunker Hill by picking off a
6809 disproportionate number of their officers. One British Marine wrote to his
6810 brother, "Many officers have died of their wounds and others [are] very

6811 ill; 'tis astonishing what a number of officers were hit on this occasion; but
 6812 the officers were particularly aimed at."⁶⁰⁵ Another Lieutenant of the
 6813 British Marines observed,

6814 [I]t is very uncommon that such a great number of officers should be
 6815 killed and wounded, more than in proportion to the number of private
 6816 men: the following discovery seems to account for it. Before the
 6817 entrenchments were forced, a man, whom the Americans called a
 6818 marksman, or rifleman, was seen standing upon something near three
 6819 feet higher than the rest of the troops . . . This man had no sooner
 6820 discharged one musket [actually probably a rifle] than another was
 6821 handed to him, and continued firing in that manner for 10 or 12 minutes.
 6822 And in that small space of time . . . it is supposed that he could not have
 6823 killed or wounded less than 20 officers, for it was at them particularly that
 6824 he directed his aim . . .⁶⁰⁶

6825 George Hanger, a well known British rifleman and himself an expert
 6826 shot, on one occasion was assigned to the Loyalist regiment in the
 6827 Carolinas commanded by Banastre Tarleton. He wrote several passages
 6828 in his diary attesting to the prowess of the American rifleman. He
 6829 expected them to hit targets with great regularity at distances of up to
 6830 three hundred yards. On one occasion, in the company of Tarleton, some
 6831 four hundred yards away they observed several American riflemen,
 6832 possibly of Daniel Morgan's rifle company. Hanger observed,

6833 A rifleman passed over the mill dam, evidently observing two officers, and
 6834 laid himself down on his belly; for in such positions they always lie, to take
 6835 a good shot at a distance. He took a deliberate and cool shot at my friend
 6836 and me, and the bugle horn man . . . A rifle ball passed between him and
 6837 me; looking directly at the mill, I evidently observed the flash of the
 6838 powder . . . [T]he bugle horn man behind us, and directly central,
 6839 jumped off his horse, and said, "Sir, my horse is shot."⁶⁰⁷

6840 Unable to counter the riflemanship of the rural American citizen-
 6841 marksmen with sufficient numbers of their skilled marksmen, the British
 6842 turned to German mercenaries. The London *Constitutional Gazette* ⁶⁰⁸
 6843 announced that the

6844 Government has sent over to Germany to engage 1000 men called
6845 Jaegers, people brought up to the use of the rifle barrel guns in boar
6846 hunting. They are amazingly expert. Every petty prince who hath forests
6847 keeps a number of them, and they are allowed to take apprentices, by
6848 which means they have a numerous body of people. These men are
6849 intended to act in the next campaign in America . . . their being a
6850 complete match for the American riflemen.

6851 The standing army of the Revolution, known as the Continental Line,
6852 in reality, differed little from the state militias which it had superseded as
6853 the major military of the thirteen states. We must recall that, in the
6854 beginning, the line was created out of activated militia companies and
6855 volunteers recruited from the militia acting as a reservoir for the line.
6856 Regiments varied enormously in size and some were never fully brought
6857 up to strength. All regiments were clearly identified with specific states,
6858 with men from one jurisdiction rarely being found in lines identified with
6859 another. As we have seen, everywhere the line was filled by drafts of
6860 some sort from state militias. Extant rosters show clearly that most early
6861 regiments of the Continental Line were simply select, or the better trained,
6862 militia companies fighting under a new name and a new banner. Since the
6863 Congress had little money, even when expenses were charged or
6864 chargeable to the national government, it was still generally the states
6865 which supplied the payroll, arms, supplies and equipment. Congress could
6866 issue appeals to state governments, but had no real power, beyond moral
6867 suasion, to compel compliance.

6868 As with state militias, the national army had three main arenas of
6869 operation. Most troops merely served garrison duty, awaiting a British
6870 operation against the area which they were assigned to protect. When
6871 engaged in actual combat they assumed a defensive posture. Frequently,
6872 that meant strategic withdrawal. Some troops were assigned to offensive
6873 action, against the British or the Amerindians, in campaigns designed to
6874 relieve some threat to American independence. Third, guerilla operations
6875 consumed a certain amount of energy and attention. This was a final
6876 resort, chosen primarily when the forces were too weak to engage the
6877 enemy directly.

6878 In 1790 the Secretary of War Henry Knox (1750-1806) reported that
6879 the number of soldiers in the continental line was greatest in 1777, when
6880 there were 34,820 available to General Washington. At war's end the
6881 number had dwindled to 13,892.⁶⁰⁹ Desertions, fulfillment of terms of
6882 enlistment, injury, illness, deaths and wounds had all taken their toll.

6883 During the first two years of the war there were only a few problems
6884 with recruitment of soldiers. By 1777 the war was taking a toll on the
6885 patriots. Men were tiring of the war. Taxes were high and the currency
6886 depreciating at a rapid rate. High inflation and high taxes placed many
6887 father-less families at the mercy of money lenders. Some taxes went
6888 unpaid. Militia fines were substantial, and providing a substitute was
6889 beyond the means of the typical household. The obligation to serve in the
6890 military fell most heavily on the segment of society which was ordinarily
6891 unable to sustain the cost. Many families had lost several successive
6892 harvest and planting seasons because the men had been called into
6893 military or militia service. Fields lay in ruin because of neglect or
6894 Amerindian or tory deprivations. Families had to borrow money to save
6895 themselves from destitution. Interest rates were high because of the ever
6896 inflating currency. Many soldiers returning home were cast into debtors'
6897 prisons because they had contracted debts which they could not service,
6898 all in support of their families during their service in the patriot cause.

6899 Wages of the enlisted men, whether in the continental line or militia,
6900 were insufficient to support a family. The pay of soldiers in 1776 was
6901 given in paper money which exchanged freely on par with silver. In
6902 January 1777 silver brought a premium of 25% and by January 1778
6903 silver was valued at four times the stated value of paper money. In 1780
6904 silver was worth sixty times the face value of the depreciated currency.
6905 By May 1781 it was essentially worthless and had ceased to circulate for
6906 virtually no one, the most ardent patriots included, would accept it. The
6907 national and state governments had printed money because they had no
6908 reserves of bullion, but the men refused to accept the worthless currency.

6909 Some men deserted the patriot cause and returned home, enlisted or
6910 were drafted a second time, often so that they could obtain the bonuses
6911 offered for enlistment. Penalties for such behavior were severe, but many
6912 men, faced with the prospects of financial ruin, were willing to chance
6913 desertion and a second enlistment, while hoping to escape the
6914 consequences of their actions.

6915 As the war ended, many reflected on the difficulties experienced in
6916 coordinating the activities and deployment of the state militias. By 1787
6917 each state's virtual autonomy over its militia had resulted in considerable
6918 diversity and even serious neglect. But the overwhelming sentiment of
6919 the Constitutional Convention of 1787, most state authorities and other
6920 influential persons remained fixed on the maintenance of a state militia
6921 system as the nation's guardian in peacetime.

6922 No one expressed the general distrust of a standing army better than
6923 better than Charles Pinckney (1746-1825) of South Carolina, speaking at
6924 the Constitutional Convention of 1787, when he said, "a dissimilarity in e

6925 militia of different States had produced the most serious mischiefs . . . and
6926 believed that "there must also be a real military force. The United States
6927 had been making an experiment without it, and . . . [would] see the
6928 consequence in their rapid approaches toward anarchy."⁶¹⁰ Governor
6929 Edmund Randolph of Virginia believed "there was not a member in the
6930 federal convention who did not feel indignation at such an institution."⁶¹¹

6931 We can see that the national militia meant very little during the War for
6932 Independence and that, under the American system of divided
6933 sovereignty, the militias were viewed as properly the concern and
6934 responsibility of the states. There was neither a suggestion that a national
6935 militia be formed or that those enrolled in state militias ought to take an
6936 oath of dual allegiance to the national government in addition to one's
6937 home state.

6938 The concept of dual enlistment had to wait more than a century to
6939 come to fruition. Incidents of the militia refusing to serve outside the
6940 borders of the nation were raised in the War of 1812 and the Mexican War
6941 of 1846-1848. It was not until the enactment of the National Defense Act
6942 of 1916 that Congress established the a enlistment provision while
6943 simultaneously converting state militias into national guards.⁶¹² The
6944 National Defense Act Amendment of 1933 advanced the "one army"
6945 concept under which national guard units were considered to be integral
6946 parts of the United States Army.⁶¹³ The roots of the current national guard
6947 system may be found in the embryonic national militia of the American
6948 War for Independence.

6949

Notes

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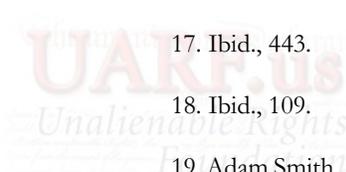
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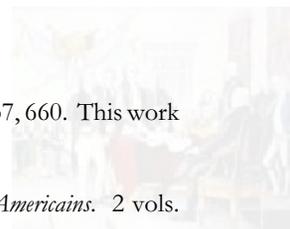
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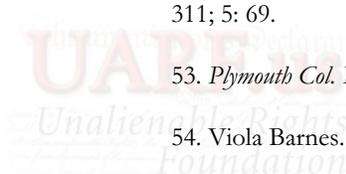
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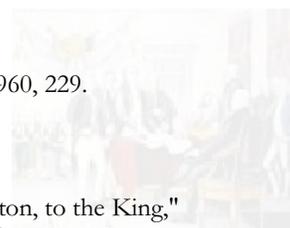
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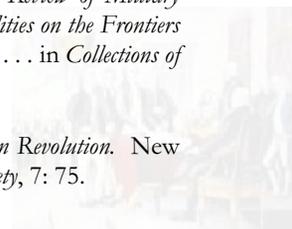
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112. Ibid., 1: 387.

113. The Committee was composed of Thomas Hutchinson of Massachusetts; Theodore Atkinson of New Hampshire; William Pitkin of Connecticut; Stephen Hopkins of Rhode Island; William Smith of New York; Benjamin Tasker of Maryland; and, of course, Franklin representing Pennsylvania. *N. Y. C. D.*, 6: 860.

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123. Ibid., 3: 205-07.

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126. Ibid., 27: 20.

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128. *Massachusetts Archives*, 4: 471.

129. The delegation included John Chandler, Samuel Welles, Jr., Oliver Partridge, John Worthington and Thomas Hutchinson.

130. Bates, *Fitch Papers*, 1: 20.

131. Gipson, "Thomas Hutchinson," 14.

132. Ibid., 16.

133. *Collections of the Connecticut Historical Society*, 27: 23-29.

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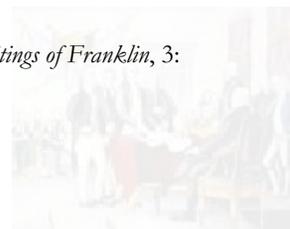
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137. Ibid., 6: 875, 877, 885.

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141. *Ibid.*, 7: 207-09. Members of the Committee who signed the report included William Pitkin, Jonathan Trumble, Joseph Fowle, Joseph Pitkin, Jabez Hamlin, John Hubbard, Theophilus Nichols, and John Ledyard.

142. *Ibid.*, 7: 210-14.

143. *Pennsylvania Journal*, 17 October 1755.

144. *Pennsylvania Journal*, 31 October 1755.

145. *Massachusetts Historical Society Collections*, 7: 128-29. Copy of a Letter from Dr. William Clarke, of Boston, to Benjamin Franklin, Esq. of Philadelphia.

Boston, February 3, 1755. Dear Sir, When you was in Boston I thought you a wise man; that you had some knowledge of human nature and politics, as well as of natural philosophy; but if your have no greater pretensions to the latter, than you have to the former; I am afraid lest you be obliged to give up all claim to either; for it has been proved to give up all claim to either; for it has been proved by some of our own wise men and boys, (for they are sufficient for that) even to a demonstration, before a large body of people assembled in town-meeting, that you and the rest of the commissioners at Albany have strewn yourselves, by the protected *plan for an union*, to be arrant blockheads; and, at the same time, to have set up a scheme for the destroying the liberties and privileges of every British subject upon the continent; but this, so thinly disguised and covered, that the meanest creature in the world could see through it in an instant. For my part, I was so confounded that I had entertained so good an opinion of you and some other gentlemen, and that it was generally known, that I would fain have got out of the assembly, for fear I should be pointed at, but the throng was so great that I could not break through. But, all joking apart, I was much surprised at the management; as for the talk of generality that spoke upon the subject, it was no other than what was to be expected from the men; but one gentlemen, upon whom there was great dependence, when he stood up, spoke so little to the purpose, that I was almost provoked to break through the resolution that I had maintained, through the whole, of not entering into any argument upon such a subject, before such an auditory: However, after much debate, being willing to prevent, if possible, the town's taking so ridiculous a step as I find they were like to, I endeavored to persuade them that it was highly improper that a thing of this nature should be brought before a town meeting. If these things were to come there, there was no occasion for any General Court, and that it was dissolving all government, and reducing every thing to a slate of nature. That that assembly were not, nor could not be, proper judges of the propriety or impropriety of what was then laid before them; but supposing they could get over this, that at least it was a matter of such great importance, complex nature, and vast extent, that at least if required some time, for persons that were judges, to weigh every part in their own mind, before they came to any judgment about it; and that they ought not to come to a hasty determination, within a few hours after first hearing it read; and therefore moved that nothing might be determined by the town, but that it might be left to the judgment and direction of their representatives; or at least, that it might be put off for some longer time; but it was so very plain a case that a vote was carried, but a very great majority as you have heard. As to the pamphlet, it is pretty much in the same situation yet, as it was then you left us. But I hope by the next post to be able to send you one. Mr. Hunter has had a sad time of it, but has borne it with great patience, and when beginning to get better, with great cheerfulness. He is now sitting up, reading Lord Bacon, but is plainly uneasy, he cannot come at Lord Bolingbroke's posthumous pieces. You will gear from him undoubtedly this soft. I hope I may, when this comes to your hands, congratulate you upon your safe arrival to your family, and finding all well there. The governour does not know of my writing, or I am sure he would lay his commands upon me to send you his compliments. He is just as he was when you was here, unless, if possible, fuller of business. May we meet together in less than fifty years. I am, dear sir, with the greatest esteem, your soft affectionate, humble servant, William Clarke.

146. 1 *N. J. Archives* 6: 250.

147. Bollan was attending Parliamentary hearings on the proposed imposition of the Mutiny Act. He also presented information on the Albany Plan and spoke in favor of the plan from the perspective of the Massachusetts assembly.

148. *Massachusetts Historical Society Collections*, 7: 129.

149. Charles Thompson to Joseph Shippen, Jr., 31 January 1755, in Thomas Batch, ed. *Letters and Papers Relating Chiefly to the Provincial History of Pennsylvania*. Philadelphia, 1855, 32-33.

150. The *American Museum* published an elaborate and long article, "Albany Plan of Union," in 1789, February, 190-194; March, 285-288; and April, 365-368. Franklin's remarks were dated February 9, 1789. *The Museum*, omits the word "Remark" but it was part of the response which was written by Dr. Franklin and accompanied the following letter to the editor, Matthew Carey, which was submitted to *The Pennsylvania Magazine of History and Biography*, 23 [1899-1900]:

Sir,

I thank you for the Opportunity you propose to give me of making Alterations in those old Pieces of mine which you intend to republish in your Museum. I have no Inclination to make any Changes in them; but should like to see the Proof Sheet, supposing your Copies may possibly be incorrect. And if you have no Objection, you may follow the Albany Plan with the enclosed *Remark* but not as from me. I am, Sir, Your humble Servant, B. Franklin

151. Quoted in Samuel Peters. *General History of Connecticut*. London, 1781, 102.

152. James Veech. *The Monongabela of Old*. Pittsburgh, 1910, 48; *Dinniddie Papers*, 1: 63-71.

153. quoted in Ward, *War of the Revolution*, 1: 39.

154. Arthur M. Schlesinger, Sr. "Maryland's Share in the Last Intercontinental War." *Maryland Historical Magazine*, 7 [1912]: 119-49, 243-67.

155. Alexander Flick, ed. *The Papers of Sir William Johnson*. 13 vols. Albany: State of New York, 1921-62, 1: 461-62.

156. Leonard W. Larabee. *Royal Government in America*. New York, 1958, 108.

157. *Annual Report of the American Historical Association*, Washington, 1896, 685-86; Ward, 42.

158. Ward, *War of the Revolution*, 1: 42.

159. A. G. Bradley. *The Fight with France for North America*. Westminster, 1900, 150; Ward, *War of the Revolution*, 1: 43.

160. Fitzpatrick, *Writings of Washington*, 1: 26.

161. Ward, *War of the Revolution*, 1: 42.

162. James High, "The Earl of Loudoun and Horatio Sharpe." *Maryland Historical Magazine*, 45 [1950]: 14-32.

163. Louis K. Koontz. *Robert Dinwiddie: His Career in American Colonial Government and Westward Expansion*. Glendale, 1941, 38; Rossiter Johnson. *History of the French War*. New York, 1882, 268-71.

164. Sipe, *Indian Wars*, 387; A. P. James, ed. *The Writings of General John Forbes*. Madison: Wisconsin Historical Society, 569-60.

165. Theodore Thayer. *Pennsylvania and the Growth of Democracy*. Harrisburg: Pennsylvania Historical and Museum Commission, 1953, 82.

166. Oliver M. Dickerson, comp. *Boston Under Military Rule, 1768-1769 as Revealed in a Journal of the Times*. Boston: Chapman & Grimes, 1936, vii-x.

167. *Boston Evening Post*, 10 April 1769; *Journal of the Times*, 64-65.

168. "Achenwall's Observations on North America, 1767," J. G. Rosengarten, trans. *Pennsylvania Magazine of History and Biography*, 27 [1903]: 1-19.

169. *The Public Advertiser*, 3 October 1755.

170. *The Public Advertiser*, 3 October 1755.

171. Fred Anderson. *People's Army: Massachusetts Soldiers and Society in the Seven Years' War*. Chapel Hill: University of North Carolina Press, 1984, 73-74.

172. Secretary Henry Fox notified the governors that the king had appointed the Earl of Loudoun to succeed Shirley on 13 March 1756. *Collections of the Connecticut Historical Society*, 1 [1860]: 277-78.

173. Francis Parkman. *Montcalm and Wolfe*. New York: Scribner's, 1892, 1: 283f; *Proceedings of the Massachusetts Historical Society*, 19 [1895]: 6.

174. Secretary Thomas Robinson to the Governor of Connecticut, 28 August 1755, *Collections of the Connecticut Historical Society*, 1 [1860]: 269-70.

The Lords Justices, having thought it necessary to appoint without loss of time a Commander-in-chief of his Majesty's forces in North America, in the room of the late Major-general Braddock . . . Major-general Shirley is ordered to take upon him . . . the command, with like powers, with which Major-general Braddock held . . .

175. "Secretary Robinson to the Governor of Connecticut, 23 January 1755, *Collections of the Connecticut Historical Society*, 1 [1860]: 258.

176. John Winslow to William Shirley, dated 2 August 1756, in *Correspondence of William Shirley*. Charles Henry Lincoln, ed. 2 vols. New York: Macmillan, 1912, 2: 496-98.

177. William Shirley to John Winslow, dated 10 August 1756, in *Correspondence of William Shirley*, 2: 510-15; William Shirley to Lord Loudoun, dated 10 August 1756, in *Ibid.*, 2: 501-10.

178. Anderson, *People's Army*, 175-80; *Correspondence of Shirley*, 2: 505-09.

179. See Stanley Pargellis, *Military Affairs in North America, 1748-1765*. Hampden, Ct.: Anchor, 1969, 185, 241; see also Anderson, *People's Army*, 180-85, citing diaries and correspondence of the principals and also enlisted men.

180. William Blackstone. *Commentaries on the Law of England* [1776]. 2 vols. Thomas M. Cooley and James DeWitt Andrews, eds. Chicago: 4th ed.; University of Chicago Press, 1884, 1: 262; See also *Statutes of Charles II*, 13: 6.

181. *Journal of the House of Commons*, 10: 49-73; Charles M. Clode. *The Military Forces of the Crown*. 2 vols. London: Murray, 1869, 1: 142 and 2: appendix 33. Under Anne, the law was amended to ensure such protection of law only in time of peace. 1 Anne 2: 20.

182. 3 George I; *Parliamentary History*, 97: 550; 14: 425-60; 21 George II; 22 George II.

183. *Parliamentary History*, 14: 535-47; 4 George 1. Regarding the legitimacy of orders, the Duke of Argyll argued passionately that "If they should receive any illegal commands, they may disobey them with impunity." *Parliamentary History*, 8: 1245; Lords Mansfield and Loughsborough in *Johnstone v Sutton*, 1 East. Rep. 548.

184. *Grant v Gould*, 2 H. B. 99.

185. Anderson, *People's Army*, ch. 4.

186. Douglas Hay, "Property, Authority and the Criminal Law," in Douglas Hay and others, eds. *Albion's Fatal Tree: Crime and Society in Eighteenth Century England*. New York, 1975, 17-63.

187. *Mass. Col. Rec.*, 1: 85, 165, 270; 2: 23; 4, part 2: 97; 5: 49-50.

188. Hay, *Albion's Fatal Tree*, 17-63; Anderson, *People's Army*, 121-22.

189. Deut. 25: 3.

190. quoted in *New York Journal*, 26 December 1768; also noted in *A Journal of the Times: Boston under Military Rule*. Oliver M. Dickerson, comp. Boston: Chapman and Grimes, 1936. This little known and under-utilized document was published in pamphlet form and widely read in the 1760s. Parts were published in both the *New York Journal* and *Boston Evening Post*.

191. "Braddock's Orderly Book" quoted in William Lowdermilk. *History of Cumberland, Maryland*. Baltimore: Genealogical Publishing Co., 1971, 121.

192. *Boston Evening Post*, 6 October 1768.

193. *Boston Evening Post* quoted in *New York Journal*, 27 October 1768.

194. *New York Journal*, 29 December 1768.

195. *Boston Evening Post*, 10 April 1769.

196. quoted in *New York Journal*, 17 November 1768.

197. John W. Shy, "A New Look at Colonial Militia," 3 *William and Mary Quarterly*, Third Series, 20 [1963]: 175-85, especially at 177-78.

198. *Boston Evening Post*, quoted by the *New York Journal, Supplement*, 27 April 1769.

199. Bland, *Military Discipline*, ch. 15.

200. Anderson, *People's Army*, 90-98.

201. Anderson, *People's Army*, 82-86.

202. Francis Bernard to the Lords Commissioners for Trade and Plantations, dated 5 September 1763, in Joseph Henry Benton, Jr., *Early Census-Making in Massachusetts, 1643-1765*. Boston: State of Massachusetts, 1905, 55.

203. Anderson, *People's Army*, 99-100.

204. James Robertson to John Calcraft, dated 22 June 1760, in Alan Rogers, *Empire and Liberty: American Resistance to British Authority, 1755-1763*. Berkeley: University of California Press, 1974, 67.
205. Anderson, *People's Army*, 60-62.
206. T. H. Breen, "English Origins," 74-96; David R. Millar, "The Militia, the Army and Independency in Colonial Massachusetts" Cornell University Ph.D. dissertation, 1967; Morrison Sharp, "Leadership and Democracy in the Early New England System of Defense," *American Historical Review*, 1 [1945]: 244-60. Morrison sees a far greater conflict between the aristocrats and the common men than did Breen. See Breen, footnote 5, 76.
207. Loudoun to Cumberland in Pargellis, *Military Affairs*, dated 17 October 1757.
208. *The Public Advertiser*, 3 October 1755.
209. *The Public Advertiser*, 6 October 1755.
210. *The Public Advertiser*, 3 October 1755.
211. *The Public Advertiser*, 3 October 1755.
212. Extract of a letter from New York, dated 1 August, *The Public Advertiser*, 6 October 1755.
213. *Mass. Col. Rec.*, 1: 85, 90, 102, 124, 210; 4 part 1: 420; 5: 211-12.
214. "Training Day" in Thomas C. Cochran and Wayne Andrews, eds. *Concise Dictionary of American History*. New York: Scribner's, 1962, 961.
215. *The Public Advertiser*, 6 October 1755.
216. Humphrey Bland. *A Treatise of Military Discipline*. London; 6th ed., 1746; originally published in first edition in 1727.
217. Ford, *Writings of Washington*, 5: 386.
218. Count Maurice de Saxe (1696-1750), French marshal, was the illegitimate son of Augustus II of Poland and was perhaps the greatest military mind of his age. His *Memoirs* were published in France in 1730 and in English in 1761. Generals Lee and Knox read and recommended it to Washington and others. Knox used it heavily in his military plan sent to Congress in 1790.
219. William Barrissee. *Military Discipliner, or, the Young Artillery Man*. London, 1635. Two later editions were dated 1643 and 1661.
220. Thomas Handon. *The Regulations for the Prussian Infantry, or, Prussian Evolutions*. English editions, London, 1771; Philadelphia, 1775. The work was advertised in the *Pennsylvania Magazine*, December 1775, 574. Among those noted as subscribers was George Washington who had ordered 8 copies of the translation.
221. William Young. *Maneuvers, or, Practical Observations on the Art of War*. 2 vols. London, 1771.
222. John W. Wright. *Some Notes on the Continental Army*. Vails Gate, N. Y.: National Temple Hill Assn., 1963, 3.

223. Mark C. Walsh. *Free Men Shall Stand: The Story of Connecticut's Organized Militia*. Hartford: Connecticut National Guard Officers Association, 1991, 25-27.

224. For a discussion of these weapons see my *Arms Makers of Colonial America*. Susquehanna University Press, 1992; or Carl P. Russell. *Guns on the Early Frontiers*. University of California, Berkeley, Press, 1957; or M. L. Brown, *Firearms in Colonial America, 1492-1792*. Smithsonian Institution Press, 1980.

225. John K. Mahon, "Anglo-American Methods of Indian Warfare, 1676-1794," *Mississippi Valley Historical Review*, 45 [1958]: 154-75; Hert M. Sylvester. *Indian Wars of New England*. 3 vols. Boston, 1910, II 213.

226. Samuel Sewall of Boston reported that he had seen 15 or 20 soldiers "with small guns and short lances in the troops of them" in 1687. "Diary of Samuel Sewall," *Massachusetts Historical Society Collections*, 5th series, 5 [1878]: 193.

227. John Dunton, *Letters Written from New England, A.D. 1681*. edited by W. H. Whitmore. Boston: Prince Society, 1867, 140.

228. Ebenezer W. Peirce, *Indian History, Biography and Genealogy . . .* North Abington, Mass.: Mitchell, 1878, 76; see also Jack S. Radebaugh, "The Militia of Colonial Massachusetts," *Military Affairs*, 43 [1954]: 1-18.

229. *Massachusetts Historical Society Collections*, 43 [1909-10]: 491.

230. "set of halberts for a foot company, to be sold on reasonable terms by Nicholas Boone," *Boston News Letter*, 22 April and 3 June 1706.

231. *Mass. Col. Rec.*, 2: 43; 5: 47.

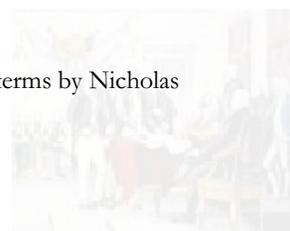
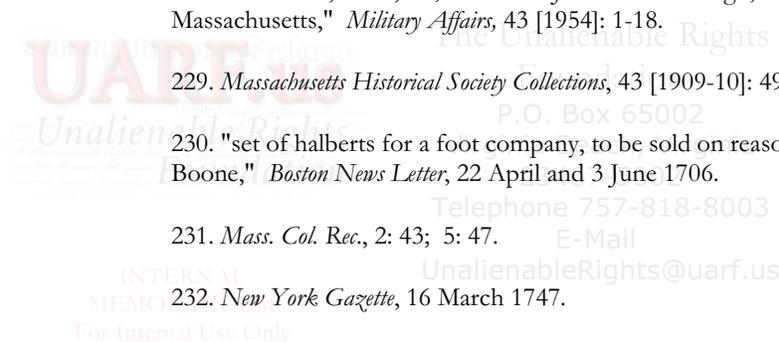
232. *New York Gazette*, 16 March 1747.

233. Among the better books and articles on colonial warfare are: Robert K. Wright, Jr. *The Continental Army*. Washington: U. S. Army, Center of Military History, 1983, 5-7; Louis Morton, "The Origins of American Military Policy," *Military Affairs*, 22 [1958]: 75-82; Douglas Leach. *Flintlock and Tomahawk: New England in King Philip's War*. New York: Macmillan, 1958; Arthur A. Buffington, "The Puritan View of War," *Publications of the Colonial Society of Massachusetts*, 28 [1930-33]: 67-86; C. J. Bernardo and E. H. Bacon. *American Military Policy*. Harrisburg, Pa.: American Military Service, 1955; John K. Mahon, "Anglo-American Methods of Indian Warfare, 1676-1764," *Mississippi Valley Historical Review*, 45 [1958]: 254-75; Douglas E. Leach, "The Military System of Plymouth Colony," *New England Quarterly*, 24 [1951]: 342-64; and Louis Morton, "The End of Formalized Warfare," *American Heritage*, 6 [1955]: 12-19.

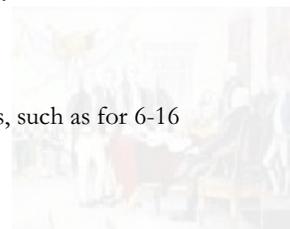
234. Among the many important works on arms in colonial America are: Brown. *Firearms in Colonial America*; Harold L. Peterson. *Arms and Armor in Colonial America, 1526-1783*. New York: Bramhall House, 1956; Horace Kephart, "The Rifle in Colonial Times," *Magazine of American History*, 24 [1890]: 179-91; Felix Reichmann, "The Pennsylvania Rifle: A Social Interpretation of Changing Military Techniques," *Pennsylvania Magazine of History and Biography*, 49 [1945]: 3-14; John W. Wright, "The Rifle in the American Revolution," *American Historical Review*, 24 [1924]: 293-99; Paul C. Boehrt. *Arming the Troops, 1775-1815*. Easton, Pa.: Boehert, 1967; Whisker, *Arms Makers of Colonial America*.

235. *Archives of Maryland*. ed. W. H. Browne and others. 72 vols to date. Annapolis: State of Maryland, 1883-1912, 3: 317, 345-46; 7: 18.

236. *Archives of Maryland*, 3: 531.



237. *Archives of Maryland*, 3: 345-46; 5: 32-33.
238. *Public Records of Connecticut*, 2: 217-18.
239. *Public Records of Connecticut*, 2: 346-47.
240. *Public Records of Connecticut*, 2: 19-21.
241. John Winslow to Charles Lawrence, dated 27 October 1755, in "Journal of John Winslow," *Collections of the Nova Scotia Historical Society*, 4 [1884]: 180.
242. Edward Pierce Hamilton. "Colonial Warfare in North America," *Proceedings of the Massachusetts Historical Society*, 80 [1968]: 3-15.
243. Entry for August 1756, *The American Journals of Louis Antoine de Bougainville*. Edward P. Hamilton, ed and trans. Norman: University of Oklahoma Press, 1964, 34.
244. Howard H. Peckham. *The Colonial Wars, 1689-1762*. Chicago: University of Chicago Press, 1964, 8-10.
245. Entry for 3 July 1756, *American Journals*, 5.
246. Entries for late June and July 1757, *American Journals*, 120, 130.
247. Entry for 31 July 1756, *American Journal*, 20.
248. Entry for 8 August 1756, *American Journal*, p. 24. Other entries, such as for 6-16 February 1756, show militiamen as a part of the French army.
249. Bougainville, *American Journals*, 152-53.
250. Entry for February 17-28, Bougainville, *American Journals*, 87.
251. Entry for 3 May 1758, Bougainville, *American Journals*, 202.
252. Entry for 30 June 1758, Bougainville, *American Journals*, 221.
253. Bougainville, *American Journals*, 250-51.
254. See Peter Brock. *Pacifism in the United States*. Princeton, N.J.: Princeton University Press, 1968.
255. George W. Kyte, "An Introduction to the Periodical Literature Bearing upon Loyalist Activities in the Middle Atlantic States, 1775-1783," *Pennsylvania History*, 18 [1951]: 104-18.
256. William W. Sweet, "The Role of the Anglicans in the American Revolution," *Huntingdon Library Quarterly*, 11 [1947]: 51-70.
257. Virginia D. Harrington. *The New York Merchants on the Eve of the Revolution*. New York: Columbia University Press, 1935; Arthur M. Schlesinger. *The Colonial Merchants and the American Revolution, 1763-1776*. New York: Columbia University Press, 1918.
258. Leonard W. Labaree, "The Nature of American Loyalism," *Proceedings of the American Antiquarian Society*, 54 [1944]: 15-58; George M. Wrong, "The Background of the Loyalist Movement, 1763-1783," *Papers and Records of the Ontario Historical Society*, 30 [1934]: 171-80.



259. See two books by Wallace Brown. *The Good Americans: the Loyalists in the American Revolution*. New York: William Morrow, 1969; and *The King's Friends*. Providence, R.I.: Brown University Press, 1965. See also, Robert M. Calhoon. *The Loyalists in Revolutionary America*. New York: Harcourt Brace Jovanovich, 1973; and William H. Nelson. *The American Tory*. Oxford: at the Clarendon Press, 1961; Morton Borden and Penn Borden, eds. *The American Tory*. Englewood Cliffs, N.J.: Prentice Hall, 1972; G. N. D. Evans. *Allegiance in America: The Case of the Loyalists*. Reading, Ma.: Addison-Wesley, 1969; Paul H. Smith. *Loyalists and Redcoats*. Chapel Hill, N.C.: University of North Carolina Press, 1964; Charles H. Van Tyne. *The Loyalists in the American Revolution*. New York: Smith, 1902. Lorenzo Sabine. *An Historical Essay on the Loyalists of the American Revolution*. Springfield, Ma.: Walden, 1957; A. G. Bradley. *The United Empire Loyalists*. London: Butterworth, 1932; Moses Coit Tyler, "The Party of the Loyalists in the American Revolution," *American Historical Review*, 1 [1895]: 24-49.

260. See, for example, Henry B. Yoshpe. *Disposition of Loyalist Estates in the Southern District of the State of New York*. New York: A. M. S. Press, 1967. Yoshpe's study is one of the most thoroughly researched studies of condemnation by bill of attainder and subsequent confiscation of estates.

261. See Arthur G. Bradley. *Colonial Americans in Exile*. New York: Dutton, 1932; North Callahan. *Flight from the Republic: The Tories of the American Revolution*. Indianapolis: Bobbs-Merrill, 1967.

262. North Callahan. *Flight from the Republic: The Tories of the American Revolution*. Indianapolis: Bobbs-Merrill, 1967; Bradley Chapin. *The American Law of Treason: Revolutionary and Early National Origins*. Seattle: University of Washington Press, 1964.

263. John Eardley-Wilmot, ed. *Historical View of the Commission for Enquiring into the Losses, Services and Claims of American Loyalists at the Close of the War between Great Britain and her Colonies in 1783*. London: Nichols, 1815; *Arbitration of Claims for Compensation for Losses and Damages Resulting from Lawful Impediments to the Recovery of Pre-War Debts*. New York: Oxford University Press, 1931; Hugh Egerton. *The Royal Commission on the Losses and Services of American Loyalists*. Oxford: at the Clarendon Press, 1915; Alexander Fraser. *Second Report of the Bureau of Archives for the Province of Ontario*. Toronto: University of Toronto Press, 1905.

264. Eric Robson, "The Raising of a Regiment in the War of American Independence," *Journal of the Society for Army Historical Research*, 27 [1949]: 107-15; Edward E. Curtis, "The Recruiting of the British Army in the American Revolution," *American Historical Association Annual Report*, 1 [1923]: 313, 319-20.

265. "Instructions to Major Ferguson, Inspector of Militia," 22 May 1780, in Henry Clinton. *The American Rebellion: Sir Henry Clinton's Narratives of His Campaign, 1775-1782*. William B. Willcox, ed. New Haven: Yale University Press, 1954, 441.

266. John R. Alden. *A History of the American Revolution*. New York: Knopf, 1969, 87. Alden claimed that, in fact, in 1780 only 5415 loyalists were serving in the British army.

267. Charles M. Clode. *The Military Forces of the Crown: Their Administration and Government*. 2 vols. London: H. M. Stationary Office, 1869.

268. William O. Raymond, "Rolls of Officers of the British American or Loyalist Corps," *Collections of the New Brunswick Historical Society*, 5 [1904]: 224-72; William O. Raymond, "Loyalists in Arms," *Ibid.*, 5 [1904]: 189-223.

269. There is a broad difference of opinion among the British and Canadian writers as to the actual value of these operations in New York. One writer says the irregulars achieved more success than the regulars, while another believes their only success, with

the assistance of Indians, was at Oriskany. Lorenzo Sabine. *The American Loyalists*. Boston, 1847; William V. Wallace. *The United Empire Loyalists*. Toronto, 1914; A. C. Flick. *Loyalism in New York*. New York, 1901; James H. Stark. *Loyalists of Massachusetts and the Other Side of the American Revolution*. Boston, 1910; W. H. Wilkin. *Some British Soldiers in America*. London, 1914; *Journal of Alexander Chesney*. Columbus, 1921; *Public Papers of George Clinton*. Albany, N. Y., 1899, 4: 333.

270. Edward E. Curtis. *The Organization of the British Army in the American Revolution*. New Haven: Yale University Press, 1926, chs. 1, 2.

271. *John Almon and John Debrett, eds.* The Parliamentary Register, or, History of the Proceedings and Debates of the House of Commons. 62 vols. London: H. M. Stationery Office, 1775-96, 13: 273-94, 322.

272. Smith, *Loyalists and Redcoats*, 60-62.

273. Lord George Sackville Germain to Lords of the Treasury, 5 August 1776, Colonial Office, Papers, Public Records Office, London, Reel 5/7, 419-30.

274. Smith, *Loyalists and Redcoats*, 62-64.

275. Alexander Innes to General Clinton, 9 November 1779, British Headquarters Papers.

276. "Instructions to Major Ferguson," 22 May 1780, in Clinton, *American Rebellion*, 441. See also Robert W. Barnwell, Jr. "Loyalism in South Carolina, 1765-1785," Ph. D. dissertation, Duke University, 1941, ch. 9.

277. Raymond, "Rolls of Officers," 5: 190.

278. C. T. Atkinson, "British Forces in America, 1774-1781: Their Distribution and Strength," *Journal of the Society for Army Historical Research*, 14 [1937]: 3-22; 19 [1940], 163-66; 20 [1941]: 190-92.

279. Interestingly, on 27 January 1776, Captain Alexander McDonald, in Maclean's Regiment, reported to General Gage that in Nova Scotia, "there is not 2500 [men] fit to bear arms and the two-thirds of them notorious rebels in their heart." in "Letter Book of Captain Alexander McDonald of the Royal Highland Emigrants, 1775-1779," *Collections of the New York Historical Society*, 14 [1882]: 240-42.

280. Smith, *Loyalists and Redcoats*, 79.

281. For the overall impact of French entry upon British policy see William B. Willcox, "British Strategy in America, 1778," *Journal of Modern History*, 19 [1947]: 97-121.

282. Smith, *Loyalists and Redcoats*, 78.

283. Troyer S. Anderson. *The Command of the Howe Brothers during the American Revolution*. New York: Oxford University Press, 1936.

284. George III expressed relief at Germain's resignation, believing him a "heavy load" with "so many enemies." George III to Lord North, 3 March 1778, John W. Fortescue, ed. *The Correspondence of King George III from 1760 to December 1783*. 6 vols. London: H. M. Stationery Office, 1927-28, 4: 2022.

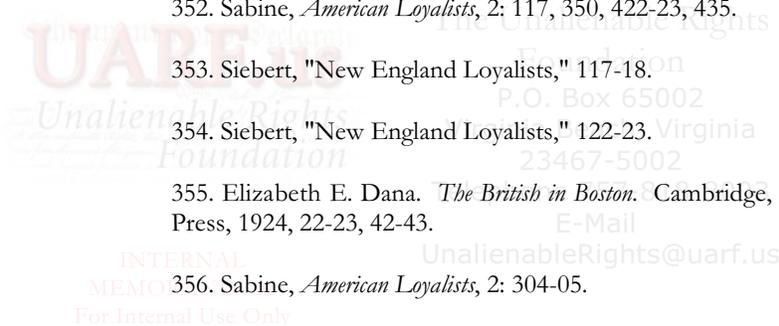
285. Germain to Clinton, 4 November 1778; Clinton to German, 25 February 1779, Clinton Papers, Clements Library Ann Arbor, Michigan.

286. Germain to Clinton, 23 January 1779, Clinton Papers, Clement Library.
287. Clinton to Germain, 15 December 1779, Clinton Papers.
288. William Cobbett. *The Parliamentary History of England from the Earliest Period to the Year 1803*. 36 vols. London: H. M. Stationery Office, 1806-20, 19: 85, 400; Dora Mae Clark. *British Opinion and the American Revolution*. New Haven, Ct.: Yale University Press, 1930, 136-67.
289. George III to Lord North, 12 August 1778, in John W. Fortescue, ed. *The Correspondence of George III from 1760 to December 1783*. 6 vols. London: H. M. Stationery Office, 1927-28, 4: 2405.
290. *Parliamentary Register of England*, 13: 1-539.
291. See Duane Meyer. *The Highland Scots of North Carolina*. Chapel Hill, N. C.: University of North Carolina Press, 1957; Ian C. C. Graham. *Colonists from Scotland*. Ithaca, N.Y.: Cornell University Press, 1956.
292. Sabine, *American Loyalists*, 2: 521.
293. James H. Stark. *The Loyalists of Massachusetts*. Boston: Brown, 1910; E. A. Jones. *The Loyalists of Massachusetts*. London, 1930; Wilbur H. Siebert, "Loyalist Troops of New England," *New England Quarterly*, 4 [1931]: 108-47; William B. Willcox, "Rhode Island in British Strategy," *Journal of Modern History*, 17 [1945]: 304-31.
294. Philip M. Hamer, "John Stuart's Indian Policy during the Early Months of the American Revolution," *Mississippi Valley Historical Review*, 17 [1930]: 351-66; John R. Alden. *John Stuart and the Southern Colonial Frontier*. Ann Arbor: University of Michigan Press, 1944.
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328. *Pennsylvania Ledger*, 3 December 1777, quoting the *Royal Gazette*.
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391. *Minutes of the Provincial Congress and Council of Safety*, 25-26.

392. *Minutes of the Provincial Congress*, 75, 88.

393. *Minutes of the Provincial Congress*, 309, 337, 347, 381, 407-08, 486, 561; *Laws of the State of New Jersey*, 1776.

394. John C. Fitzpatrick and others, eds. *The Writings of George Washington*. 39 vols. Washington: U. S. Government Printing Office, 1931-44, 6: 397-98.

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405. George Germain to Henry Clinton, 23 January 1779, in Henry Clinton. *The American Rebellion: Sir Henry Clinton's Narrative of his Campaigns, 1775-1782*. William B. Wilcox, ed. New Haven, Ct.: Yale University Press, 1954, 397-99.

406. See Robert Gough, "Can a Rich Man Favor Revolution? The Case of Philadelphia in 1776," *Pennsylvania History*, 48 [1981]: 235-50.

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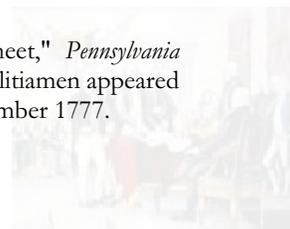
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417. "Examination Relative to Tories," 11 July 1776 in 2 *Pa. Arch.* 1: 653-58.
418. Sabine, *American Loyalists*, 2: 496.
419. Clerk in the chancery court. Ralph Adams Brown, "The *Pennsylvania Ledger*: Tory News Sheet," *Pennsylvania History*, 9 [1942]: 161-75.
420. Ralph Adams Brown, "The *Pennsylvania Ledger*: Tory News Sheet," *Pennsylvania History*, 9 [1942]: 161-75. Appeals for the recruitment of loyalist militiamen appeared in the *Ledger* on 29 October 1777; 26 November 1777 and 3 December 1777.
421. *Pennsylvania Ledger*, 10 December 1777.
422. *Pennsylvania Ledger*, 31 December 1777 and 7 January 1778.
423. *Pennsylvania Ledger*, 8 April 1778.
424. *Pennsylvania Ledger*, 15 and 29 April 1778.
425. *Pennsylvania Ledger*, 21 and 25 February 1778.
426. *Pennsylvania Ledger*, 14 February 1778.
427. Henry J. Young, "Treason and Its Punishment in Revolutionary Pennsylvania," *Pennsylvania Magazine of History and Biography*, 40 [1966]: 287-313; See the opinion of C. K. McKean in a letter to President Reed on 13 August 1779 in 1 *Pa. Arch.* 7: 644-46.
428. *Pennsylvania Packet*, 29 August, 26 September, 10 October and 29 October 1778.
429. Anne M. Ousterhout. *A State Divided: Opposition in Pennsylvania to the American Revolution*. New York: Greenwood Press, 1987, 229-78; Walter R. Hoberg, "A Tory in the Northwest," *Pennsylvania Magazine of History and Biography*, 59 [1935]: 32-41; Walter R. Hoberg, "Early History of Colonel Alexander McKee," *Ibid.*, 58 [1934]: 26-36.
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432. Butterfield, *History of the Girtys*, 277.

433. Edmunds, *Shawnee Prophet*, 10-11.

434. 4 *Amer. Arch.* 1: 675.

435. Butterfield, *History of the Girtys*, 50.

436. Thwaites and Kellogg, *Frontier Documents*, 53, 144, 156, 184-86, 201, 249-53, 255.

437. Charles F. Hanna. *The Wilderness Trail*. 2 vols. New York: Putnam, 1911, 2: 80.

438. John G. E. Heckewelder. *A Narrative of the Mission of the United Brethren Among the Delaware and Mohican Indians, 1740-1808*. Philadelphia: McCarty & Davis, 1820, 407.

439. In 1737 Simon Girty, Sr., was married in Paxtang Township, Lancaster County, Pennsylvania. In 1744 he was a licensed trader, and in 1747 he was an unlicensed trader, working out of Donegal Township, Lancaster County, Pennsylvania. In 1750 the Sheriff of Cumberland County burned Girty's cabin because he had settled west of the demarcation line. In 1751 he was killed by an Indian named the Fish in a drunken brawl in what is now Perry County, Pennsylvania. Another account claimed that he was burned to death after killing Fish. Thomas A. Boyd. *Simon Girty: The White Savage*. New York: Minton-Balch, 1928; Consul W. Butterfield. *History of the Girtys*. Cincinnati, Ohio: Clarke, 1890; Consul W. Butterfield. *An Historical Account of the Expedition Against Sandusky under Colonel William Crawford in 1782*. Cincinnati, Ohio: Clarke, 1877; 1 *Pa. Arch.* 2: 14.

440. Thwaites and Kellogg, *Frontier Documents*, 172-73, 274-76; Butterfield, *History of the Girtys*, 34-60; 1 *Pa. Arch.* 9: 620.

441. *Historical Magazine*, new series, 7 [1870]: 103-07; Butterfield, *History of the Girtys*.

442. Hildredth, *Pioneer History*, 129-30.

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446. Butterfield, *History of the Girtys*, 39.

447. 1 *Pa. Arch.* 4: 445.

448. Butterfield, *History of the Girtys*, 165.

449. 1 *Pa. Arch.* 9: 620.

450. Butterfield, *History of the Girtys*, 233, 241.

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453. Strassburger and Hinke, *Pennsylvania German Pioneers*, 4: 66-71.

454. A. H. Rineer, "A House Divided: The Rein Family of Earl Township," *Journal of the Lancaster County Historical Society*, 87: 1 [1983]: 10-43. See also, F. R. Diffenderfer, "Lancaster County Loyalists," *Lancaster County Historical Papers*, 12 [1908]: 243-78; also F. R. Diffenderfer, "The Loyalist in the Revolution," *Ibid.*, 23 [1919]: 155-66.

455. Sabine, *American Loyalists*, 2: 516.

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457. Sabine, *American Loyalists*, 2: 496.

458. Ryden, *Rodney Papers*, 266-68.

459. Freeborn Garretson. *The Experience and Travels of Mr Freeborn Garretson*. Philadelphia, 1791.

460. Brown, *King's Friends*, 157-62; Hancock, "Kent County Loyalists," 17-20; Ryden, *Rodney Letters*, 259-63.

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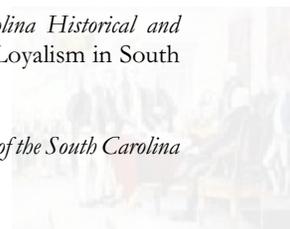
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470. "Letters from Governor James Wright to the . . . Secretaries of State for America," *Collections of the Georgia Historical Society*, 3 [1873]: 180-378.
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549. 1 *Pa. Arch.* 5: 369, 412, 558-61, 767-68.
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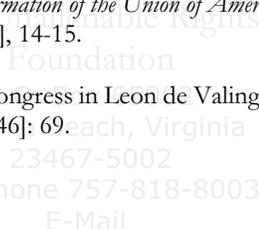
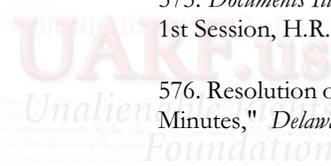
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