1944

Political pamphleteers of pre-revolutionary Virginia, 1750-1775

Mary Thompson Clary

Follow this and additional works at: http://scholarship.richmond.edu/masters-theses

Part of the English Language and Literature Commons

Recommended Citation
A THESIS
SUBMITTED TO THE GRADUATE FACULTY
OF THE UNIVERSITY OF RICHMOND
IN CANDIDACY
FOR THE DEGREE OF
MASTER OF ARTS

DEPARTMENT OF ENGLISH

LIBRARY
UNIVERSITY OF RICHMOND
VIRGINIA

AUGUST, 1944
PREFACE

It is beyond human possibility to say how many in-
fluences conspire to make possible any piece of work. Certainly, this
study would have been impossible except for the help of Dr. Maude A.
Woodfin and of Dr. Edward Cronin Peple of the University of Richmond.
For their encouragement and invaluable guidance, and for the hours they
have given in my behalf, I am immeasurably grateful.

Available materials for the study of the political
pamphlet literature of Virginia during the quarter century preceding the
Revolution are considerably scattered due, in part, to the fact that the
Library of Congress has stored for the duration of the war many rare items
of its collection. I am, therefore, particularly indebted to Mrs. Katherine
Gregory Metcalf, Librarian of the Library of the Boston Athenaeum, and to
Dr. Lawrence C. Wroth, Librarian of the John Carter Brown Library, for
especial courtesies in permitting me to use rare pamphlets not available
elsewhere. To the staffs of the Library of the University of Richmond, the
Virginia State Library, the Virginia Historical Society Library, and the
Library of Congress also go my thanks.
Table of Contents

I. Introduction

II. Colonel Richard Bland and Peyton Randolph Take the Lead.
   1. 1753 - A Modest and True State of the Case by Richard Bland
   2. 1754 - A Letter from a Gentleman in Virginia by Peyton Randolph
   3. 1759 - A Letter to a Gentleman in London by Peyton Randolph

III. The Two-Penny Act Engenders a Paper War.
   1. 1759 - A Letter to the Right Reverend Father in God by Landon Carter
   2. 1760 - A Letter to the Clergy of Virginia by Richard Bland
   3. 1763 - A Single and Distinct View by the Reverend John Carm
   4. 1764 - The Rector Detected by Landon Carter
   5. 1764 - A Review of the Rector Detected by John Carm
   6. 1764 - The Colonel Dismounted by Richard Bland
   7. 1765 - Critical Remarks by the Reverend John Carm

IV. Colonel Richard Bland Makes An Inquiry into the Rights of the British Colonies, 1766

V. Dr. Arthur Lee Proves a Most Prolific Pamphleteer
1. 1764 - An Essay
2. 1769 - The Monitor's Letters
3. 1770 - The Political Detection
4. 1774 - A True State
5. 1774 - An Appeal
6. 1775 - A Speech Intended
7. 1775 - A Second Appeal

VI. Loyalist John Randolph Aroused a Conservative-American, Robert Carter Nicholas.

1. 1774 - Considerations on the Present State of Virginia
   by John Randolph

2. 1774 - Considerations ... Examined by Robert Carter Nicholas

VII. Thomas Jefferson Gives A Summary View, 1774.
I.

INTRODUCTION
There is a wealth of political literature - almost the only kind of any worth at the time, it seems - produced by Virginians during the quarter century immediately preceding the active American Revolution. The newspapers printed political essays, some of which, such as the Monitor's Letters later took pamphlet form; there are letters extant full of political significance and feeling the pulse of the time; there are speeches, addresses, memorials, and letters of committees of correspondence, many of which are examples of beautiful literary style, not to mention the political philosophy of the day; and there are the pamphlets. All deserve attention.

In preparing this study it was necessary to narrow the field of research to practical limits. The files of newspapers, particu-

1. The Monitor's Letters by Arthur Lee were first published in Rind's Virginia Gazette, Feb. 25 - Apr. 23, 1768 (Feb. 25 & Apr. 7 issues are missing from the Virginia State Library collection).
2. See, for example, letters in Richard Henry Lee's Life of Arthur Lee, I, 185-242.
larly of the Virginia Gazettes are to be had with but few gaps; the Jour-
nels of the House of Burgesses are at hand; the communications of the Com-
mittees of Correspondence are easy of access; but the pamphlet material
is rare and scattered, and many of the pamphlets seem unknown to most ex-
cept as titles. Jefferson's Summary View of the Rights of the British
Colonies, 1774, receives a place in most general studies of Revolutionary
literature. Blend's Inquiry into the Rights of the British Colonies and
Arthur Lee's Monitor's Letters receive some space also.

There seemed some purpose in examining these pamphlets by
Virginians in some detail and in presenting a composite picture of Vir-
ginia's contribution to political pamphlet literature during the period un-
der consideration. I have, as far as I know, examined and read thoroughly
each pamphlet extant which falls in the category under study. In every case
I have tried to see the pamphlet not only as a political expression but al-
so as a literary one and have tried to judge it in the light of what we know
of its author, the times, and the purpose for which it was written.

The period for study was fixed 1760-1775 for several reasons. This was to be an examination of pre-revolutionary material. Usually the
starting point for the period of revolution preceding the Declaration is

3. See Tyler, The Literary History of the American Revolution, 1763-
1783, pp. 495-96; and Davidson, Propaganda and the American Revolution;
1763-1783, p. 241.
4. Tyler, op. cit., pp. 230-231, 244-245; and Davidson, op. cit., p.
210.
placed at 1763, but this date would have eliminated the pamphlets by
Richard Bland and Peyton Randolph occasioned by the "Pistols Fee," an af-
fair which bore in it germs of later political thought and feeling that
apparently did not show in other colonies until later.

It was an age of pamphlets. One student estimates that be-
tween twelve and fifteen hundred were published in Britain and America be-
tween 1763 and 1785, not including various editions of the same work.

"The pamphlet in the prerevolutionary period was vitally and peculiarly
the medium through which was developed the solid framework of constitution-
al thought." A study of this medium, accordingly, assumes impor-
tance.

Virginia's output was a score of these political pamphlets, according to
my researches. As we examine them, we shall find them to be of vastly vary-
ing worth.

5. See Ford's point on this in his introduction to Bland's, A Modest
and True State of the Case, 1753, pp. 29, 30; also Eckardt, The Revolution
in Virginia, p. 6.

6. Read Dinwiddie's own statement in his letter to the Lords of Trade
on May 10, 1754, where he speaks of the acts of the House of Burgesses as
unprecedented in any other dominion. The Official Records of Robert Din-
widdie, 1751-1758, I, 150.

7. Chulkis, "Pamphlets and Public Opinion During the American Revolu-
tion," The Pennsylvania Magazine of History and Biography, LXIV, 22 (Jan.
1940).

II

RICHARD BLAND AND PETTON RANDOLPH
TAKE THE LEAD.
Robert Dinwiddie, Lieutenant-Governor of Virginia, in attempting to fix a fee of a pistol (about four dollars, according to Webster) for setting his seal on land patents, got himself into "hot water" and aroused a legislative body jealous of its rights as Englishmen. On Nov. 27, 1753, the House of Burgesses addressed a protest to his excellency demanding "humbly" to know his authority for levying the pistol as a fee for land patents. The Governor's prompt reply stated that he was acting in accordance with the Council who agreed unanimously, and that he felt the levy just. On the same day the Burgesses replied, declaring:

The rights of the Subject are so secured by Law, that they cannot be depriv'd of the least Part of their Property, but by their own consent. Upon this Excellent Principle is our Constit'n found'd.

(The first sentence of the above is identical with one in Bland's Modest and True State of the Case which we shall consider presently.)

The Burgesses made it plain that they considered this fee

1. Dinwiddie, op. cit., I, 44.
2. Ibid., I, 45.
3. Ibid., I, 46.
an infringement of the rights of the people. The Governor, in reply, stuck to his point that the fee related only to the King's lands and that he was making no encroachment on the rights of the Burgesses.

The Burgesses proceeded to address the King on the matter and sent the attorney-general of the colony, Peyton Randolph, to London to argue their case before the Board of Trade. They voted Randolph £2500 without the concurrence of the other branches of the legislature. To the Governor this was really going too far; it was encroaching on the "Prerogatives of the Crown." His excellency was evidently on pins and needles, for he wrote a number of letters abroad eager to know how things were going. He was so wrought up that he declared in one of his many letters to James Abercromby that if he had known the trouble it would be to his "Frids at Home" and to himself, he would never have initiated the fee, but since the Council had established it and the Lords of Trade had approved it, he felt he could not submit to the "clamours" of the Burgesses.

Peyton Randolph in London was, according to all the Governor could hear, kicking up quite a row. Dinwiddee speaks picturesquely of

6. Ibid., I, 47.
7. See Ford's Introduction to Bland's A Modest and True State, p. 9.
8. Ibid., p. 10.
10. Ibid., I, 100.
11. Ibid., I, 137.
the "Noise in Coffee Houses" occasioned by the attorney-general's "advertisement" in the "Public Press." The Governor defended himself by saying he had established the fee as much to support the King's quit-rents as from self interest.

In time, 1754, the Privy Council recommended a compromise: that no fee should be paid for a grant of land under one hundred acres or for lands west of the mountains or for lands surveyed before April 1762.

It all seemed a squabble over an apparently insignificant act, but in the revolt of the Burgesses the Governor could recognize "a Republican way of Thinking," and acts unprecedented in any other colony; and Mr. Campbell abroad, in presenting the case "did not hesitate to charge Virginia...with entertaining views beyond the receding of a paltry fee."

---

12. Ibid., I, 139.
13. Ibid.
15. Dimmick, op. cit., I, 100.
16. Ibid., I, 160.
Worthington Chauncey Ford has edited a fragment of a manuscript on the pistols fee which is endorsed in Thomas Jefferson's hand as having been written by "Col. Richd Bland." It is not clear whether this tract received any wide dissemination or not, but it deserves comment at this point, first, because of its subject, and secondly, as our first example of Bland's political philosophy and of his style. To whom the manuscript is addressed is not clear, and it may be Bland's copy since it is interlined freely and has phrases elided. Undoubtedly the manuscript was meant for the public since the author excuses the inquiry into the matter on the grounds of its importance and feels that it "cannot be disagreeable to any Person...affected" since he plans to treat the subject "with a proper Deference to Persons in High Offices tho with that Freedom which the Laws of civil Liberty intitle me to." Here we find evidence, which will be observable all through his work, of his

sare not to offend Majesty.

Colonel Bland outlines the case of the pistole fee in some detail, and then he repeats almost the very words of the Burgesses' letter to the Governor regarding the rights of subjects. (So similar are the two passages that it is practically certain that he was the author of both). Bland expresses the feeling that the fee, though claimed to be trifling - which he denies - and though in use in other states - which he declares, even if lawful there, is unlawful in Virginia since there is here no such law - is unconstitutional. In order to prove this contention he begins to trace the history of the colony, beginning with 1609 and letters patent to the Virginia Company in which they were given power to establish laws, of which this historical bent is notable in Bland. He had quite a name as a student of history, and we find evidences of his historical learning throughout his work.

The manuscript is abruptly cut off. Ford says that this incomplete letter may have been part of a tract on land tenures in Virginia which tradition says that Bland wrote.

Not only does this bit of A Modest and True State of the Case indicate for us the characteristics of Colonel Bland which we have all-

21. Ibid., pp. 31-32.
22. Cf. Ibid., p. 37, and Dinwiddie, op. cit., I, 46.
24. Ibid., p. 42.
25. Ibid., p. 23.
26. Ibid., pp. 22-23.
ready pointed out, such as his jealousy of colonial rights, his care to offer respect to the Crown, and his skill in marshalling precedent and history to back his argument, but we also get a taste of his tendency toward simile and mellifluous language:

LIBERTY and PROPERTY are like those precious Vessels whose soundness is destroyed by the least flaw and whose use is lost by the smallest hole. Impositions destroy their Beauty nor are they to be soldered by patch-work which will always discover and frequently widen the original flaw.

This shows...the necessity of opposing in a legal way every attempt of this sort which like a small spark if not extinguished will soon gain ground and at last blaze out into an irresistible Flame.27

27. Ibid., pp. 38-39.
"A LETTER FROM A GENTLEMAN

IN VIRGINIA"

We do have access to a complete pamphlet on the pistols fee, one ascribed to Peyton Randolph, printed in London in 1754. As has been mentioned, Peyton Randolph, the attorney-general of the colony of Virginia, had been voted £2500 expense money and sent to England to plead the cause of the Burgesses in the case of the pistols fee. Evidently this pamphlet, addressed to the merchants who had a stake in Virginia, was but one of his efforts to fulfill his obligations.

His letter is prosaic enough, quoting chapter and verse for each point. For example, he documents his argument by directly quoting from the addresses and resolves of the Burgesses, and from the Governor's replies, before interpreting and amplifying each.

Randolph begins by asking for the help of the British merchants, hinting that it may be to their advantage to give it. He assures

28. [Randolph, Peyton], A Letter From a Gentleman in Virginia to the Merchants of Great Britain Trading to that Colony, London, 1754.
29. Ibid., pp. 9, 10, 13-15, 16-17, 23.
30. Ibid., p. 4.
them that he is a loyal subject and "only an Enemy to Oppression."

Then he traces the case. The first impression of Governor Dinwiddie, he says, was a most favorable one, but it proved false. There is little with which Randolph does not charge the Governor, by inference or direct allegation, from abuse of authority to deliberate deception and an attempt to strike at the "chief Designs of Parliament."

In this pamphlet he does not become as abusive of Dinwiddie as he was to be in his pamphlet of several years later which we shall examine presently. In fact, he is relatively mild as compared with the abuse leveled by various authors of later political pamphlets against individuals, in which they call a spade not just a spade but magnify it into a machine of monumental proportions.

He does read into Dinwiddie's remark that, as Governor,

he was "shewing due Regard for the Sentiments of the House of Burgesses in everything that properly lies before them" a great deal that is not there. But, in so doing, Randolph was simply fulfilling what was apparently expected of the pamphleteers of the age. For example, he concludes from the above statement, coupled with the Governor's action, that Dinwiddie did not think it was the business of the House of Burgesses to handle the "Grievances of the People" and that it was a stroke leveled at the
"chief Designs of Parliament."

Peyton Randolph in this letter reminds one of Richard Bland in two ways: his tracing of historical precedent and custom and his use of arguments identical with those of Bland in his *Modest and True State*.

The most interesting expression of a political philosophy in Randolph's pamphlet reads as follows:

Such a proceeding being found not only burthensome, but also thought dangerous, in that it carried with it something too arbitrary for a People inheriting all the Constitutional Rights of Great-Britain, their Mother Country....

The same idea of the transporting to this country all the constitutional rights of the English people will appear again and again in later pamphlets considered in this study.

This first pamphlet of Peyton Randolph's is, on the whole, a capable presentation of the case for the Burgesses, relatively moderate, and carefully documented. It is not a brilliant or spectacular piece of work, nor one given to literary frills. It fulfills its purpose of presenting a plain, unadorned case to men whose natural interests would be attracted by such a presentation rather than by elaborate figures of speech.

38. Ibid.
40. Cf. Ibid., p. 27 and Bland's *Modest and True State*, pp. 39-42, for example.
"A LETTER TO A GENTLEMAN IN LONDON"

42 A later pamphlet published in 1759 and assigned by the bibliographers to Peyton Randolph does not deal with the pistole fee but rather with the legality of the paper notes authorized by the Virginia Assembly. It is a reply to British merchants who in a memorial to the Lords Commissioners of Trade and Plantations had protested having this paper money legal tender. The work is interesting as a comparison with Randolph's earlier effort, and for its profession of Virginia's place under the British Constitution.

43 As in his earlier pamphlet, documents are reprinted and analyzed paragraph by paragraph.

44 The memorial of the merchants requested that the Governor of Virginia be instructed to urge the passing of a modifying amendment.

42 [Randolph, Peyton], A Letter To A Gentleman in London from Virginia, Williamsburg, 1759.
43 Ibid., p. 3.
44 Ibid., pp. 3-6. Randolph reprints the memorial here.
45 Ibid., pp. 7-8, 10.
46 Ibid., pp. 3-6.
to the act of the General Assembly of Virginia which allowed the
Treasurer to issue $60,000 in paper notes, the same to be legal tender
in all cases except quit rent. The merchants wished the amendment
to declare that all debts made before or after the act and agreed to "in
Sterling" should be paid in that, and that in such cases the paper notes
should not be legal tender.

Randolph presents a good case for the colony. He speaks
of the necessity of the act occasioned by poverty and the danger from the
enemy (Indians and French). He states that Virginia tried borrowing at
high rates of interest and even from those same merchants without success.
Such an act, authorizing the issuance of paper notes as legal tender, was
not unprecedented, and Virginia had the right so to act, he declares.

The following is an interesting comment on Virginia's
rights, and is, as early as 1759, amazingly bold:

...with respect to its power of making Laws...since it is certainly ulti-
manely exercised for the absolute benefit of that very State from which a
power of the same nature must necessarily have been granted....Such a Power
therefore is always implied in the very Nature of Things, let the Degree of
Subjection be what it will; and the Consequence of its not being so, would
in the Case of any potent and sudden Invasion be the Loss of the Colony to
that very State which all-claims the Subjection, unless Matters shall be con-
ducted hereafter with much greater Prudence, than has hitherto been ex-
perienced.52

48. Ibid., pp. 3-5.
49. Ibid., p. 5.
50. Ibid., p. 5.
51. Ibid., p. 7.
52. Ibid., pp. 7-8.
The memorial is then treated paragraphically and each topic argued out. A good point is made when Randolph asserts that these paper notes must be legal tender in all cases or not at all, or no soldiers would fight for them nor anyone sell goods for them. Since the money is being issued in order to carry on the common war, the merchants should not refuse to accept it. He says that all must suffer alike in a community, and continues: "And I hope I am not arguing with Persons who do not think Virginia a Part of the British Community."

In both this quotation and in the one above, Randolph reiterates what he suggested in his former pamphlet, namely, that Virginia was an integral part of Great Britain and carried in itself all the rights and privileges pertaining thereto.

He proceeds next to appeal to the merchants’ pocket-books in case the constitutional and neighborly and patriotic angles do not appeal. He denies that the act of issuance of paper notes will mean any loss to the merchants, for he says according to the laws of the country the paper notes will be lawful tender ad valorem as far as debts contracted in sterling are concerned.

A bitter denunciation of ex-Governor Dinwiddie follows.

---

53. Ibid., pp. 9-10.
54. Ibid., p. 10.
57. Ibid., pp. 8-9.
and in contrast, a flowery apostrophe to Governor Fauquier is given.

Randolph as much as suggests that Dinwiddie is dishonest. He tells how Dinwiddie had been sent £20,000 for the prosecution of the war and that of the amount only £300 was spent. Also, while in possession of the £20,000, the Governor had lent the colony £3,000 at six percent, which was repaid. Then Randolph asks why Dinwiddie was given £2000 "as a Recompense for his extraordinary Care in the Disposal of it." Fauquier is, on the other hand, painted as the "Patriot Governor" representing the "Patriot King" with a wonderful chance to support Virginia.

On the whole the Letter is rather well argued. Randolph presents his case as logically and thoroughly as he did in 1754, though he rural a bit and descends to personalities more than in the earlier pamphlet. The political philosophy in both is similar, as has already been mentioned.

The three pamphlets discussed thus far are significant, for they indicate that the colony of Virginia was awake, jealous of its rights, and articulate.

We are to hear again and again from Richard Bland as we study these pre-revolutionary pamphleteers, for he, more than any other, we shall find, crystallized the conservative Virginian's idea of the Old

---

58. Ibid., p. 12.
59. Ibid., p. 8.
60. Ibid., p. 9.
61. Ibid., p. 12.
Dominion's relation to Great Britain. One scholar calls him the
"author of the Revolution in Virginia." We shall, however, find no
more pamphlets by Peyton Randolph, not because he lost interest, but,
rather, I believe, because he gained it and found his time so taken up
with actions that he probably had no time for many words.

Peyton Randolph was born about 1721, the son of Sir
John Randolph. He was educated at the College of William and Mary and
studied law at the Middle Temple. In 1748 he was appointed King's at-
torney for Virginia, a position he resigned in 1766 to assume the
speaker's chair in the House of Burgesses. He had served for years
as a member of the Burgesses and so remained until 1775. He served
on Virginia's committee of correspondence, 1759-67. Like Bland, he
opposed Patrick Henry's radical resolutions on the Stamp Act though he,
himself, had written the restrained protest against the Act the year be-
fore for the Burgesses. Every important revolutionary body made him
its presiding officer: the Virginia committee of correspondence, 1773;
the two revolutionary conventions in Virginia, 1774 and 1775; and most
most

august of all, the First Continental Congress in 1774 and 1775. Miss
Maudie Woodfin has written, "Without doubt Peyton Randolph was the most

62. Eckenrode, op. cit., p. 11.
64. Ibid.
65. Ibid.
66. Ibid.
67. Ibid.
68. Ibid.
69. Ibid.
popular leader in Virginia in the decade before the Revolution." His death came in Philadelphia in October 1775.

70. Ibid., pp. 367-368.
71. Ibid., p. 368.
III
THE TWO-PENNY ACT ENGENDERS
A PAPER WAR.
Between 1759 and 1765 seven pamphlets engaged the attention of Virginians, the first few written with definite goals in mind, namely, the defense of and the opposition to the so-called Two-Penny Act; the later ones, while on the same subject, seemed to have been written chiefly to display the talents of the authors for verbosity and invective; and out of the lot one which proved to be, in spite of vituperative language, what Dr. Lyon G. Tyler called "the great initial paper of the American Revolution."

Before a consideration of the pamphlets themselves, a brief review of the Two-Penny Act is apropos: In 1696 the salary of the

1. [Carter, Landon], A Letter to the Right Reverend Father in God, the Lord Bishop of London, 1759 & 1760.
3. [Camm, John], A Single and Distinct View, 1763.
5. [Camm, John], A Review of the Rector Deposed, 1764.
6. [Bland, Richard], The Colonel Dismounted, 1764.
7. [Camm, John], Critical Remarks, 1765.
clergy in Virginia had been set at 16000 pounds of tobacco, which was
to be levied by the vestries and parishes, but no allowance was made for
price fluctuations. An act of 1748 revised the 1696 law, fixing a
value of 16s. 8d. per 100 pounds of tobacco, which was 50% more than the
valuation in 1696. A drought in 1705, with a resulting short tobacco
crop, of course raised the value of tobacco. The Virginia Assembly
passed an act allowing settlements to be made in money rather than in
tobacco. The clergy, among others, were affected by this, and they ap-
pealed to the Bishop of London in 1756, asking him to use his influence
to have the King annul the act. A similar act was passed in 1758 and an
explanatory act in 1759.

Many law suits resulted, the most notable being that
of the Reverend James Maury to recover damages. It was in this suit
that Patrick Henry acted as the lawyer for the defense and won a moral
victory when the court declared the act void, but the jury returned dam-
ages of one penny. One of the pamphleteers, as we shall see later,
cribes to Henry words which certainly give an interesting motive for
his spectacular treatment of the case and shed a rather poor light on the

5. Garnett, James Mercer, "The Last Fifteen Years of the House of
Burgesses of Virginia, 1761-1776", Virginia Historical Magazine, April
1910, pp. 2-3.
6. Ibid., p. 3.
7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
The clergy felt they had some constitutional ground for protest since the Two-Penny Act was put into effect without awaiting the King's assent, although the act changed a statute which had already had the King's seal. This approval of the King was the final step required in the passage of a colonial law.

In 1728, in the instructions issued to the Governor, there was one to the effect that no temporary laws, re-enactments, or repealing measures were to be approved; this instruction was renewed with each succeeding Governor until the Revolution. In 1759 the King declared his disallowance of the Two-Penny Act and commanded the Governor thereafter to observe the law requiring a suspending clause to any act, the purpose of which was to repeal a former act, until the King's approval should be obtained. This disallowance, of course, gave the persons a case.

The controversy over the Two-Penny Act not only brought to the fore the obscure lawyer who was to be Demosthenes twelve years later, but it produced what appeared to be a tempest in a teapot, a veritable paper war between the Reverend John Camm and the two Colonels, Richard Bland and Landon Carter. During the "campaign" one good mind was driven to exam-

---

ine Virginia's place under the British Constitution and to express the
gerns of a political philosophy for the Colonies which held good even
after Lexington and Concord, even into 1776. This point will be elabo-
rated when we consider *The Colonel Dismounted*.

---

stitutional Interpretation*, pp. 21 and 191.
"A LETTER TO THE RIGHT REVEREND
FATHER IN GOD THE LORD B——P
OF L——N"

At the request of the Virginia clergy the Bishop of
18
London sent a letter protecting the Two-Penny Act to the Lords Com-
mmissioners of Trade and Plantations (Board of Trade), which body usually
prepared all representations to the King; sent reports to Lords and Com-
mons on request, and drew up the instructions to the governors. This
letter of the Bishop's, in turn, elicited two in reply, the first from
20
London Carter, the second from Richard Bland.
19

Colonel London Carter, of Sabine Hall, in Richmond
22
County, Burgess (1748-1764) and natural philosopher, was a man of

18. A copy of the Lord Bishop's letter, dated Fulham, June 14, 1759,
is found in Bland's Letter to the Clergy, pp. iii - v.
19. Cf. Andrew, Charles W., England's Commercial and Colonial Poli-
246-247 (April 1932).
wealth and power, "very proud, haughty, imperious and fickle" according to a presumably prejudiced writer. Carter was a diarist, a writer on general topics for the Gazettes, chairman of the Richmond County Committee in 1775, and even the subject of insulting verse from time to time.

Carter's Letter was first published in Virginia in 1759 and was reprinted in London the following year. The latter copy was the one I used. After beginning with a Biblical quotation from the famous chapter on charity, 1 Corinthians, xiii, 2, the Colonel declares that any Virginian must defend "his much injured Country." He quotes the first paragraph of the Bishop's letter, discusses it, quotes further, and so proceeds.


25. For example, see Rind, Virginia Gazette, Nov. 11, 1773; Purdie's Virginia Gazette, Supplement, Feb. 17, 1775.


27. See examples in Purdie and Dixon, Virginia Gazette, June 11, 1767; and Aug. 13, 1767.


30. Ibid.

31. Ibid., pp. 2-4.

32. Ibid., pp. 5-6, et. passim.
In this pamphlet Carter exhibits his particular talent for exaggeration, verbosity, and display of learning. One quotation from this piece will illustrate:

"Indeed, my Lord, this wonderful Sagacity of yours, in scenting out latent Designs (in Facts so diametrically contrary to such Designs) puts me in mind of one of Gulliver's Islands, the Inhabitants of which were so chymically dextrous, as to extract Sun-Beams out of Cucumbers; allow me but the same liberty of arguing, and I will undertake to bring every Bishop in England under the same Censure that you have endeavoured to cast on the Legislature of Virginia."  

Thomas Jefferson most perfectly characterized Carter's style when he wrote to Wirt on August 5, 1815, as follows:

"His speeches, like his writings, were dull, vapid, verbose, egotistical, smooth as the lullaby of the nurse, and commanding like that, the repose only of the hearers."

"Tiresome and involved as Colonel Carter's pamphlets are, and one confesses that of all examined they were the most tiring, let us give him his due: he was not always so. One finds in Purdie's Gazette of Feb. 17, 1775, a letter from Landon Carter containing the following inspiring paragraph:

"I should be for making these vast rich men something sensible that the loss of freedom to those who have till now contributed to their riches (I mean this continent) will be more than the trade of the whole world could compensate for. Therefore, he amongst us who cannot be easy, because he does not as usual, make money by his estate in such critical times, though he has all the means to live comfortably within himself, or may be supplied with them from his neighbors, by way of barter, for such conveniences as he can spare, must be a creature too strange for society,"

---

33. Ibid., p. 24.
and had better quit every community as soon as such a situation shall attend it. 35

To return to Carter's arguments: First he declares that the Bishop's "Passion for Abuse" exceeds the "Bounds of...Reason" (The Colonel is certainly no respector of persons.) Then he suggests that the act was an act of charity (hence his quotation from Corinthians) to relieve the distress which would have followed the payment in tobacco, so scarce that year. He implies it was natural to assume that the clergy, who should imitate Christ in works of benevolence, should have been glad to be contributors to such charity.

Carter, knowing only too well, one feels, that the appeal to the ideal may not be sufficient to quiet even clergymen, brings hard cash into the picture. He declares that the price allotted was more than they usually got from the sale of their tobacco.

To the Bishop's contention that the Virginia Assembly had no right, under any condition, to pass such an act without a suspending clause (postponing the execution of the act subject to the King's approval), Carter replies that it was impossible to get the King's assent in time to do any good, and that to say there should never be any deviation from

37. Ibid., pp. 8, 10.
38. Ibid., p. 4.
39. Ibid., p. 5.
40. Ibid., p. 7.
the rule when one is so far away "is little less than advancing human
Wisdom up to Divine Perfection." In effect, he acknowledges the va-
lidity of the British Constitution in Virginia, but he declares that the
Constitution is not only British but a "rational Constitution" as well,
and that it was only rational to act as the Assembly did. To have kept
tobacco as the basis of exchange meant hurting many, and such, he declares,
would have some "strictly within the pitiful Circle of the Extortioner's
Merit, who filches Gold with the Devil, to purchase Heaven with Wurthing." 43

To the Bishop's accusation that the passing of the act
without the King's assent was an attempt to "bind the King's Hands,"
Carter declares rather that such words are "inflaming Expressions" aimed
"at alienating the Affections of the Throne from the Subject." 44

The Bishop had taken occasion in his letter to complain
of dissenters in Virginia and of the disrespect shown to the clergy.
Carter declares that there are few dissenters here and asks if the Bishop
means that the few cases of toleration in Virginia are "Steps against the
Prerogative" when there is in England toleration by act of Parliament.
He says that the cause of any disrespect of the clergy recently lay in

41. Ibid., p. 6.
42. Ibid., p. 7.
43. Ibid., p. 8.
44. Ibid., p. 10.
45. Ibid., p. 12.
46. Ibid.
47. Ibid., p. 14.
their own conduct, and that the Bishop's misguided zeal for the Church of England will give it its only serious wound in Virginia.

Carter continues in like manner, quoting and discussing, it seems, ad infinitum: accusing the Bishop of malevolence, upholding the right of the legislative body here to determine compensations and the value of commodities, staunchly defending Virginia's loyalty to the sovereign, and reiterating the poverty of the country and the drain taxes made in the war.

The pamphlet is long, wordy, and boring, but it upholds the right of a legislative body under the British Constitution, in time of urgent necessity, to pass laws without the King's consent.

48. Ibid., p. 15.
49. Ibid., p. 56.
50. Ibid., p. 27.
51. Ibid., p. 32.
52. Ibid., p. 38.
53. Ibid., pp. 43-44.
"A LETTER TO THE CLERGY OF
VIRGINIA"

Colonel Richard Bland followed Colonel London Carter's letter to the Bishop of London with one of his own to the clergy of Virginia. The two colonels were to support each other more than once.

Dr. Tyler said neither had much love for the clergy, a fact which is all too evident as one reads the pamphlets in this paper war. Both men were well informed on the history of Virginia, but to my mind, Colonel Carter was inferior in every sense to Bland. Bland had depth to his thinking and made some contribution to political philosophy while Carter, though master of invective and satire, evidenced only superficial brilliance. I shall try to point this out as I proceed.

Richard Bland, generally known as the "Antiquary," was

55. Tyler, op. cit., p. 12.
56. Ibid.
a man of property and importance. Washington described him as "a man of erudition and intelligence." We can almost see him in the colorful words of Roger Atkinson who pictured Bland as a "wary, old, experienced veteran of the bar and in the senate; has something of the look of old musty parchments such as he handleth and studieth much." Bland, the son of another Richard Bland and grandson of William Randolph I of Turkey Island, was born in May, 1710. He was educated at William and Mary and may have attended the University of Edinburgh. He represented Prince George County in the House of Burgesses continuously for over thirty years, from 1742 until 1775. As a member of the Burgesses, he frequently acted on committees to prepare resolutions, addresses, memorials and remonstrances wherein Virginia zealously guarded against British oppression. He sincerely defended colonial rights, as we shall see, but he used every effort to avoid a break with Britain. He must have proved a stabilizing influence, moderate and clearheaded, helping to steer a saner path between younger, more impatient and rebellious men such as Patrick Henry and the equally inmoderate royal fanatics such as we shall find John Randolph to be when we study his pamphlet, Considerations on the Present State of Virginia.

58. Ibid.
60. Ibid., pp. 24, 25, quoting Meade, Old Churches...I, 220, quoting Roger Atkinson.
62. Ibid.
63. Ibid.
64. Ibid., and Ford's introduction to Bland's Modest and True State, p. 29.
Bland, as author of both Two-Penny Bills, was the logical one to address the clergy in his circular letter. He prefaced his pamphlet by quoting in full the Lord Bishop's letter to the Lords of Trade. The Bishop had declared that the authority of the act of the Virginia assembly was questionable because the subject had been settled by a previous act with the royal assent and could not be repealed. He hinted at treason. Because no suspending clause was included the Bishop saw in such an act a tendency to withdraw allegiance to the King. He bemoaned the fact that Virginia, until recently so well behaved, with no dissenters and exhibiting no tendency to ignore the Crown, had suddenly become an upstart. Then, tracing the history of the Two-Penny Act, he pleaded the injustice of it.

Bland begins his reply by suggesting that the Bishop is acting after hearing from a minority of the clergy. He feels that it is difficult to answer the charges in the letter because of the "exalted character" of its author, but he says he feels no such compunction regarding Gamm and his "Abettors," for he feels on equal ground with

66. Ibid.
68. Ibid., p. iii.
69. Ibid.
70. Ibid.
71. Ibid., p. iv.
72. Ibid., pp. iv-v.
73. Ibid., p. 3.
74. Ibid., p. 4.
75. Gamm was chosen by the clergy to present their case at Court. He succeeded in having the acts disallowed. See Dictionary of American Biography, III, 440.
Accordingly, he says he will answer the Bishop's letter as though it were a memorial from the convention of the clergy and will prove the charges false. That the Bishop was misinformed, Bland feels confident, or he could not have charged unconstitutionality. To the Bishop's charge that Virginia was drifting away from her loyalty to the Crown, Bland replies that, on the contrary, she is carrying on wars beyond her strength against the enemies of the "Religion and Liberties of Britain."

Bland resents the inference that the majority of the Assembly are dissenters. He admits that there are some dissenters and blames this fact on the act of toleration which he desires to see repealed. (This is an interesting sidelight on Bland. He was certainly no advocate of religious freedom.) He feels that if the Bishop's charge that the clergy meet with less respect than formerly be true, it is because they are less worthy of it, as "witness this Petition."

With his historical bent, Bland reviews past acts of over a hundred years, and he claims any alterations in the acts for the payment of the clergy were for their good. He gets really worked

77. Ibid.
78. Ibid.
79. Ibid., p. 5.
80. Ibid., p. 6.
81. Ibid., p. 7.
82. Ibid., p. 9.
83. Ibid., pp. 10-11.
up over the distress of the colony bearing the burdens of the support of the poor, the clerks, sheriffs, and the like. The colony is in distress, he repeats, because of the short tobacco crop. He asks, with exaggerated style, if there is no tobacco, is the Assembly to see its creditors

...feed without control, upon the Vitals of the People? Must the People be exposed to their Impositions, Exactions and Rapines? - Have their Estates seized, sold and destroyed, for not complying with Laws which Providence has made it impossible to comply with?

Bland then reviews the bad state of the colony in 1767 due to the poor crop and tells how the Assembly had to issue money to keep people from starving. He declares it would have been "Treason" not to have done anything. In placing the clergy's salary at $144, the legislature gave them a sum larger than the tobacco allotment usually brought in, he asserts. Besides, the act applied not alone to the clergy but to many public officers whose fees were usually in tobacco and who were members of the Assembly which voted the change, he says.

To the charge that the Assembly, by passing an act without a suspending clause and canceling an act previously approved by the Crown, had been guilty of disloyalty and of treason, Bland replies in a

---

84. Ibid., p. 15.
85. Ibid., p. 16.
86. Ibid., pp. 15-16.
87. Ibid., pp. 16-17.
88. Ibid., p. 17.
89. Ibid.
90. Ibid.
The Royal Prerogative is without Doubt, of Great Weight and Power in a dependent and subordinate Government. Like the King of Babylon's Decree, it may, for aught I know, almost force the People of the Plantations to fall down and worship any Image it shall please to set up; but great and powerful as it is, it can only be exerted while in the hands of the best and most benign Sovereign for the Good of his People, and not for their Destruction. 91

We find in this a cautionlessness which Bland will partly shed later on. He does not analyze the British Constitution and state fundamental rights as he shall do later. He pleads necessity and quotes the Latin adage, 92 salus populi est suprema lex. He declares that such recognition of the welfare of the people is really a rule of the English Constitution and excuses a governor or assembly that, in time of necessity, can ignore instructions.

This Letter to the Clergy is of some moment as a sample of Bland's earlier writings and as a hint of his latent powers for political argument. He reasons logically and step by step with a Biblical aside 93 or a Latin phrase 94 or a fanciful or exaggerated figure of speech, but, while sincere and giving a credible argument, he merely brushes the fringes of the political philosophy of the British Constitution as it related to the colonies.

91. Ibid., p. 18.
92. Ibid.
93. Ibid.
94. Ibid.
95. Ibid.
96. Ibid., pp. 15-16.
"A SINGLE AND DISTINCT VIEW"

Several years after the publication of Bland's and Carter's pamphlets, which had been "received with great applause in the colony," a member of the clergy, John Cemm, replied in a rather voluminous tract.

The Reverend John Cemm had been born in Yorkshire, England, in 1718, and had received his education at Trinity College, Cambridge. Emigrating to Virginia, he served as minister of Newport Parish, Isle of Wight, for a time. A few years later he became professor of divinity at the College of William and Mary, with which institution he was to be associated for almost three decades. At the same time he was appointed minister of York-Hampton. He acted, always, as

98. Cemm, John, A Single and Distinct View.
100. Ibid.
102. Ibid.
champion of the King and of the clergy. His activities against the Two-Penny Acts we shall observe in his writings. For his active participation in protesting these acts he was temporarily dismissed from the College. His efforts to have the acts of 1755 and 1758 disallowed were successful in 1759. Gumm had gone abroad as the representative of the clergy, and upon his return, he found himself the center of attack. When he presented the King's instructions to the Governor in open papers, he was shown the door and accused of calumnies by his Excellency. Ultimately he was reinstated in the College. In 1771 he again brought disapproval upon himself by advocating the establishment of a bishopric in Virginia. But in spite of this, he was made President of William and Mary, rector of Bruton Parish, commissary of the Bishop of London, and member of the Governor's Council the same year. These were really great and remunerative honors. Tory to the last, he was finally removed from the College in 1777 after protesting the removal of the King's name in commissions to surveyors. Though a loyalist, he was never molested. He died in 1779.

103. Ibid.
104. Ibid.
105. Ibid.
106. Ibid.
107. Perry, Papers, p. 454.
109. Ibid.
110. Ibid.
111. Cf. William and Mary College Quarterly, XIX, 29.
112. Ibid., p. 50.
113. Eckenrode, op. cit., p. 129.
114. William and Mary College Quarterly, XIX, 30.
It is doubtful whether Cameron would have replied in pamphlet form to the two colonels had he not been "misrepresented and abused" by them in Royle's press and been refused space in Royle's paper because the printer feared the disfavor of the Assembly. But Cameron had expressed himself at some length and was determined to reach the public; so we find his Single and Distinct View, printed by Jonas Green of Annapolis, Maryland, in 1763.

A Single and Distinct View certainly contributed little to political philosophy, but it acted as a spur to further endeavors by Carter and Bland. As the latter gentleman wrote and thought, his philosophy grew, until something real flowered in The Colonel Dismounted, which will be analyzed later.

Though of little political significance the Distinct View has its points. Cameron's exaggerated satire and his logic are interesting. I am sure it was meant to be very serious and was written in a white heat of fury, yet some parts are really amusing (which was refreshing amid the usually dry-as-dust writings of Colonel London Carter).

The ironic title sets the mood for the entire work: A Single and Distinct View of the Act, Vulgarly Entitled, The Two-Penny Act; Containing an Account of its Beneficial and Wholesome Effects in York-Hampton Parish. In Which is Exhibited a Specimen of Col. London Carter's

\[115\text{ Cameron, Distinct View, appendix, p. 45.} \\
116\text{ Ibid., appendix, p. 48.}\]
Justice and Charity; as well as of Col. Richard Bland's Salus Populi.

Camm states that he is writing at the behest of friends and at the challenge of Colonel Bland that the clergy defend their complaint. He promises to put down plain facts in spite of the fact that Bland deals in "General Topicks, False Facts, and ill-adapted Maxims."

Camm figures by means of lists and tables, that the act of 1758, by making him take a definite sum of money rather than the quantity of tobacco usually paid him, which in that year would have sold at a high price, meant a loss to him of about £200 sterling. (It must have been really hard on the poor persons to view such losses even if they were merely on paper. Most of them must have, humanly, counted their chickens before they were hatched, and when the Act destroyed their dreams, one can imagine their disappointment.) Camm, in order to avoid the charge of being too mercenary, rings in the Crown and the British Constitution, as we shall see, but, one feels, that though those points are important, they are also incidental to his main purpose.

The avowed aim of the Two-Penny Act was to relieve distress in the colony, or, as Landon Carter implied, to accomplish a charitable purpose. Camm is really clever in his logic, which, paradoxically, while untenable, is a perfect syllogism: In essence he argues that, justly, charity should be for the poor; this Act takes from the poor to give

---

117. Ibid., p. (1).
118. Ibid.
119. Cf. Ibid., pp. 4, 10, 43.
to the rich; therefore, the Act is unjust.

Camm lists by name all the tithables in his parish, persons owning from one to sixty-one tithables and the amount each was saved by paying him the tithes in money rather than in the usual amount of tobacco. He heads this as follows:

A List of the Objects of Charity in the Parish of York-Hampton, containing all the White Men, except a few very poor People and the Parson, who are deem'd Rich enough to relieve All these Objects. He calls the £200, so lost to him, a "Dividend" and says that poor slaves, white servants, and the poor without tithables have no share in it. He declares that the "Poor" who have an annual allowance of tobacco, such as the clerk of the church, the sexton, and the parson, not only do not share but rather lose two-thirds of their allowance.

...what Reasonableness or Expediency could there be in taking Ten or Twenty Pounds from Mr. Davis and his Family, consisting of a Wife and eleven children; to bestow this Sum in Charity on Col. William Digges, possessed of above an Hundred Slaves and Lands proportionable...

With his peculiar liking for alliteration and for phrases which roll off the tongue, Mr. Camm attacks the two colonels and invites anyone who can discover any justice in the Act

...to Confront me at the Bar of Reason; or by impertinent Abuse, antiquated Maxims, confident Assertions, imaginary impossible Cases, inconsistent Notions, sneaking Chicanery and voluminous Nonsense, to Summon me before the Tribunal of Folly. It is an easy matter to gloss over Vices

121. Cf. Ibid., pp. 10,12,18,21 et passim.
122. Ibid., pp. 5-10.
123. Ibid., p. 5.
124. Ibid., p. 10.
125. Ibid.
126. Ibid., p. 18.
with the Names of Virtues, and vice versa to blacken Virtues with the Titles of Vices; which is the chief Art, that I find used by the Two Pamphleteers. 127

He has an especial metaphor to evaluate Colonel Carter's writing:

I cannot enough admire the propriety of Conduct in this Writer; who having Sentiments to offer to the Public which cannot be cover'd with too thick a Veil, usually takes care to wrap them up Warm in a Cloudy Diction. 128

Some of Colonel Carter's remarks relating to the prevailing poverty and distress, Gamm interprets as meaning that when some "Gentlemen have contracted Debts, which it is inconvenient for them to Pay", though caused by extravagances, "it would be the highest degree of Cruelty and Unreasonableness of the ordinary Creditor, to expect anything from such Debtors, much more to be so impolite as to think of breaking in upon their Estates, or disturbing the Symmetry of their elegant moveables." He then resorts further to the lowest form of wit and declares it to be very pious to take the regularly established church revenues to feed gaming tables and to pay debts of honor.

Gamm next proceeds to miscellaneous remarks, most of which 131

are along lines previously argued.

127. Ibid., p. 12.
128. Ibid., p. 13.
129. Ibid.
131. Ibid., pp. 15-20.
Up to this point the Rector has dealt chiefly with the
general effect on the clergy of the Two-Penny Act and with Colonel Carter's
plea for "Charity". Now, he proceeds to Colonel Bland's arguments, and,
as a consequence, touches the political aspects of the case.

Camm notes that Bland compared the "Prerogative of the
Crown of Great Britain to the King of Babylon's Decree." He indulges
in his usual sarcasm and interprets the quotation, "salus populi" to mean
that to take whenever and however much from the clergy and give to the
rich "est Suprema Lex." The maxim, Camm says, was for the occasion
of the "glorious Revolution," for setting aside "an arbitrary Popish and
Abdicating King," and that it was now being used towards setting aside
"the useful Authority of our late and present most just and benevolent
Sovereigns."

Camm feels that the King's prerogative is "one of the strong-
est Batteries erected for the defence of Liberty and Property."

132. Ibid., p. 22.
133. Ibid.
134. Ibid., p. 23.
135. Ibid.

Mallwaine, op. cit., p. 194, discusses the fact that when
the Americans were demanding that the unconstitutional control of Parlia-
ment should cease, they faced the alternative of a royal prerogative with
no limits except self-limitation imposed by promises in charters. He says
it was the weak spot in America's position and that one Englishman who
feared the establishment of despotic power through the prerogative pointed
this out.

Bland, A Letter, 1760, p. 18 and quoted above, p. 34, rec-
ognized its strength.
He says that Bland admitted that only the most pressing necessity could excuse the Act which did not await the King's assent, and Camm declares that by all his previous arguments the Act was unnecessary. Others than the two pamphleteers, he says, blamed the clergy for carrying their complaint to England, but Camm cannot see how any British subject can blame another for making use of the privilege to approach the "Throne." Because the clergy failed to gain the ear of the Assembly and of the Council and of the Governor, he declares, it was necessary to appeal to the King.

Farther on Camm tries to express his constitutional views and does so ably, at some length, and without recourse to his usual irony, sarcasm, alliteration, or figures of speech. The following paragraph seems to embody his political philosophy:

I look on the Colony as a little independent Sovereignty; but as having a particular Connection with the Mother Country and dependent on the Crown of Great Britain; And I know not in what this dependence can more properly consist, than in the standing uninterrupted Validity of Laws confirmed by the Crown, until they are Repeal'd or Suspended by the same Authority. I am confirmed in these Notions by considering that the Natives, and those who reside here, have the Power and the Riches of the Mother Country for their Defence against their Enemies; that they hold their Lands of the Crown; that they have the same Rights in the Mother Country as other British Subjects, that consequently other British Subjects have equal rights here....If Dependence be one of our Fundamentals... our Security against our Foes and against one another, it is our Interest and our Business to know wherein it consists, and fulfill the Obligation.

138. Ibid., p. 25.
139. Ibid., pp. 33, 34.
140. Ibid., p. 34.
141. Ibid., pp. 36-39.
142. Ibid., pp. 37-38.
The first sentence of the above paragraph could have come from Bland's pen, so close is it to his own ideas which we shall find expressed again and again. Like radii, Casse's and Bland's beliefs touch at the heart, yet in time they were to branch for apart; Casse's to remain staunchly loyal and unquestioning, Bland's to turn regretfully to rebellion.

Before closing the discussion of Casse's first pamphlet, I should like to give a further example or two of his love for alliterative phrasing and for words as words:

...these Writers, too rapid with Rags and Rancour to be free from Forn and Froth, and to flow in a gentle and pallid Stream of Precision. 145

...I should say this rude, infatuated, atrocious Writer; this utterer of wretched Falsehoods, who, if he can but carry the Ends of a Hot and Violent Dramaque despises the scandal of Detection... with all the rest of his hurly burly vociferous verbosity, applicable to no Creature living, more than to Himself; not excepting his Brother Brawler.... 148

Casse concludes with stating his expectation of a reply 147

"peppered with Volleys of Small Shot," but he hopes he has weakened 148

the fire with "shaved Bullets," for he says he has just scraped off 149

some of the dirt thrown so liberally and returned it to the right owners.

Then he lists the punishments he has taken because of his efforts against the Two-Penny Act; sustaining the reproaches of the pamphleteers, missing

144. Cf. Ibid., pp. 46, 48, 49, 64.
145. Cass, Distinct View, p. 35.
146. Ibid., p. 32.
147. Ibid., p. 41.
148. Ibid.
149. Ibid., p. 42.
the election to the presidency of William and Mary, being forbidden the late Governor's house, being recommended for the grand jury, and losing many good dinners and improving conversations.

An appendix includes letters to and from Royle regarding the publication of this pamphlet, a reproduction of the Two-Penny Act, and a reprint of an advertisement of London Carter's stating that Carter was the sole contributor to a particular Charity school. (Carr had his tongue in his cheek when he inserted the last named.)
"THE RECTOR DETECTED"

In October, 1763, following the Reverend John Camm's Single and Distinct View, Colonel Landon Carter replied in kind. He states that at first he decided to ignore "the Rector's Performance" in spite of abusive language, but, feeling it to be a duty owing to his country and to himself to avoid misrepresentation, he now desires to reply.

In the style typical of his former pamphlet, Carter analyzes his opponent's booklet point by point, almost paragraphically. The Colonel declares he intends to deal fairly with Mr. Camm, though "...he has not, in one Instance, done it with me." There is scarcely need for us to follow his every refutation or denial of all of the clergyman's points.

Carter sees through the subtle and crafty logic of Camm

156. Ibid., pp. (3)-4.
159. Ibid., p. 6.
as follows:

But herein lies the Performer's Art: He first makes the Act to raise a Fund for Charity, upon that Charity establishes an equivocating Maxim, then upon that Maxim asks all the insidious Questions imaginable, brings the strongest Deductions that ever were heard, and at last Fancies and explodes whole Volleys of Wit in Disgrace of the Twopenny Act. 160

Let us give Colonel Carter his due. Comm did just that.

That the Two Penny Act was only remedial in its intentions and not related to Charity at all (though Carter certainly left the way open for such an implication in his Letter to the Bishop) is what the Colonel then sets out to prove. And there he disappoints one. After putting his finger on the invalidity of Comm's syllogism, he proceeds to take it seriously. He makes the statement that being in possession of a large number of tithables is not proof of wealth, as they may be mortgaged or otherwise be a liability.

Not to have his opponent outdo him in rhetoric, the Colonel inserts his own contribution to the art; only in his case he does not flinch at the use of coarse figures of speech, as the following illustrates:

If the Reader looks into this Paragraph of his [Comm's] unabridged, he will find a very great Superabundancy of Wit, rolling, tumbling, and croaking, like Frogs in a thick Puddle of Water. But, pursuant to my first

160. Ibid., p. 9.
164. Ibid., p. 10.
Resolution, I have only picked out his Words of Meaning, and separated them from that Filth which he has disgorged upon the Occasion, from an envenomed Stomach... 165

Carter declares that the Rector distorted and missed the true meaning of his letter to the Bishop in 1759. He imagines all kinds of reasons for this failing on the Rector's part: "incapacity," "deliberate deception," "temper," being "mouth proud," "Maniac Disorder," or "desire to confuse" Bland and Carter.

Up to this point in the pamphlet Carter has dealt chiefly with his personal grievances. He now turns to a consideration of the Two-Penny Act and asks the pardon of his readers for repeating much of his own letter to the Bishop. He proceeds to bat the ball: gives his argument, then Gumm's, and tries to show the fallacy of the clergymen's reasoning, all in great detail, and all in fearfully boring fashion. The summation of his argument is, in effect, as it was in his first pamphlet, that the Two-Penny Act was established for the greatest good of the greatest number.

Colonel Carter presents nothing new to his thinking of 1759; he reviews in greater detail the history of the Act and reiterates his belief that the Assembly was justified in its passage.

165. Ibid., p. 11.
166. Ibid., p. 12.
168. Ibid., p. 13.
169. Ibid., pp. 16-19.
170. Ibid., p. 22.
171. Ibid., pp. 29-31.
Throughout he relies not only, or even mainly, on reasoning but also on personal criticism: He accuses Camm of interpreting the character of many of the Burgesses from the conduct of a few, of deliberate misrep- resentation, and of inconsistency. He finds the Rector guilty of behavior inconsistent "in a Minister of the Gospel of Christ," and charges him with hypocrisy. Camm, he says, should remember his "divine Master...when he was reviled he reviled not again."

Landon Carter thus closed with words which were two-edged; they would, I am sure he hoped, chastize Mr. Camm for daring to speak out in his Single and Distinct View and, at the same time, make him hesitate to reply to The Rector Detected.

172. Ibid., p. 32.
173. Ibid., p. 34.
174. Ibid., p. 37.
175. Ibid.
176. Ibid.
177. Ibid., p. 38.
"A REVIEW OF THE RECTOR DETECTED"

Colonel Carter reckoned without his own, however, for hardly was the ink dry on his composition than the Rector, Mr. John Carm, 178
must have taken his pen in hand. And this time Mr. Joseph Royse, who had refused his press to the clergyman's Distinct View, printed Carm's 179 reply which begins as follows:

At length the Storm which was abrewing is arrived; and I had Reason to expect it with Apprehension and Terror, for a bitter Blast it is...I perceive...the Controversy between us must still be not only political, but also logical, critical, personal, sarcastical, and parasitical. That I may keep up some Appearance of that Method which the Colonel's exuberant Genius disdains to be cramped with, and blames me both for using and not using, I shall divide what I have to say into Sections, or Chapters. 180

And so he does, to the hurt of his more easy style. He proceeds to discuss The Rector Detected page by page, marking them down as he goes along, 181 the better for the reader to compare his charges with the "Piece."

178. Carter's Rector Detected and Carm's Review were published in 1764.
179. Carm, A Review of the Rector Detected.
180. Ibid., p. 3.
181. Ibid., p. 3, et passim.
The Review, while answering The Rector Detected, is chiefly repetitive of arguments used in A Single and Distinct View, and I shall not attempt to list these again in any detail. Suffice it to say that Guan repeats his belief that the Two-Penny Act was chiefly "calculated for the Relief of the Rich", was unnecessary, unconstitutional, and a threat to the "Foundations of Trade and Property."

The Rector is even more caustic than in his former composition. Notice:

It is impossible, I think, for the Colonel, or any Body else, to show any Necessity in a free Government for an Act which takes away the King's Authority, removes the Establishment of the Church, under-mines the known Principles of Commerce, and overturns the Foundations of Justice and Property; for, what will the Lovers of Compensation give us in lieu of such Blessings?186

To Carter's remark that the property of the few could never be more sacred than that of the many, Guan asks: Is the property of the planter more sacred than that of the merchant; of a native more than that of a foreigner; of a layman more than that of a parson? Then, suggesting that the representation for relief from the short crop was not a general one but came from only a few planters, he practically oversteps the bounds even of pamphleteers by saying:

182. Ibid., p. 5.
183. Ibid., p. 13.
184. Cf. Ibid., pp. 12, 22.
185. Ibid., p. 6.
186. Ibid., p. 13.
187. Ibid., p. 16.
188. Ibid.
189. Ibid., p. 21.
But surely some Representation of this Kind may at any Time be had by a Colonel from his Constituents, interested in such a Representation, and liable most of them as Militia-Men to be whipped without the trifling Form of a Trial by a Court-Martial.... So that most pressing Necessities for Twopenny Acts, Penny Halfpenny Acts, three Farthing Acts, or what you please, are always ready upon Demand. 190

And so the pamphlet continues in similar fashion, with interesting side-lights here and there. One can never quite decide how serious Mr. Camm is; he seems to be having such a lot of fun all the while.

190. Ibid.
191. A description of the famous case in which Patrick Henry first came to public notice appears in The Review, p. 23. The reporting is second-hand but colorful, as is most of Mr. Camm's writing. In giving a motive for Henry's spectacular oratory, the following was, to me, startling: "No wonder that after the Trial was over the Pleader excused himself to the Plaintiff for the Injury he had done him, alleging that what he had said of the King's forfeiting the Allegiance of the People, and the ill Behaviour of the Clergy towards superior Authority, was only intended to render himself popular."
"THE COLONEL DISMOUNTED"

By this time (1764) the question of the Two-Penny Act, as far as king, colony, and clergy were concerned, was over and done, but the Colonels and Mr. Gamm were still at their inkpots. Richard Bland produced a pamphlet entitled The Colonel Dismounted...Containing a Dissertation Upon the Constitution of the Colony. And that Dissertation proved to be the center of the whole paper war for our purposes.

The Colonel Dismounted was written in reply to Gamm's Single and Distinct View of 1763 and to an article of his entitled "Observations" which appeared in the Virginia Gazette of October 29, 1763.

I judge that The Colonel Dismounted was being written about the same time as Gamm's Review of the Rector Detected, if not

193. Gamm mentions "Observations" on page 16 of his Review of the Rector Detected. "Observations" is reprinted in Appendix No. 2 of The Colonel Dismounted, pp. viii-xxiii. "Observations" was a reply to a letter of Bland's which appeared in the Gazette, October 25, 1763 which also is reprinted in The Colonel Dismounted, Appendix No. 1, pp. i-vii.
actually before the latter's publication. It is not, in the main, a reply to that particular composition of the clergyman's. On page one of this latest pamphlet, Colonel Bland explains that the letter was written eight months before "purely for Amusement" but that a "Motive" had prevailed to make him publish it. The "Motive" may have been the publication of Gamm's Review. Since "Observations" to which he refers was not published until October, 1763, and since The Colonel Dismounted was not published for eight months after being written, its date of publication could not have been earlier than June, 1764.

Colonel Bland in The Colonel Dismounted uses an entirely new style. He writes in the form of a dialogue, anonymously of course. One of the speakers is "The Colonel" whom one assumes to be Bland, and the other is the first person of the narrative who "defends" the Rector. It is all highly farcical and ironical.

The "defender" tells how he argued with the "Colonel" in defense of Gamm's views and by means of the Rector's "irrefutable" arguments found in his Distinct View and in his "Observations" drove his opponent to the point where "immediately the Enemy beat the Chamade, and demanded a Conference."

In the course of the "conference" the Colonel charges the Rector with beginning the "War"; denies that the Two-Penny Acts were aimed at undermining the supremacy of the Church or at trying to

---

195. Ibid., pp. 9-10.
draw the people's allegiance away from the Crown; charges that the objections to the acts and the appeal to England were made by only twenty-five of at least eighty Virginia clergymen; admits the right, claimed by Gann, of any subject to approach the throne with a grievance but denies the right to "approach it with a Petition loaded with Calumny and Abuse"; and so ad infinitum.

Because of the Rector's charges in his "Observations" that Bland had retreated from his position, the Colonel asks "leave to examine into THE POWER OF THE GENERAL ASSEMBLY TO ENACT LAWS." In so doing, Bland presents an able and interesting interpretation of the British Constitution and makes this pamphlet "the great initial paper of the Revolution."

Bland first assumes that as descendants of Englishmen the colonists are heirs to all the privileges of Englishmen:

...if we are Descendants of Englishmen, who by their own consent and at the expense of their own Blood and Treasure undertook to settle this new Region for the Benefit and Aggrandisment of the parent Kingdom, the native Privileges our Progenitors enjoyed must be derived to us from them as they could not be forfeited by their Migration to America.

Under an English Government all Men are born free, are only subject to Laws made with their own Consent, and cannot be deprived of the Benefit of these Laws without a transgression of them.
From such privileges and liberties Bland deduces the right of the people to enact laws for the "INTERNAL Government of the Colony." In making such a claim he does not deny dependence upon the mother country, "for as we cannot lose the Rights of Englishmen by our Removal to this Continent, so neither can we withdraw our Dependence without destroying the Constitution." Thus, Bland admits Parliament's rightful control over the external government of the colonies. He admits that Parliament is so strong that, should it choose, it could force laws upon the colonies, but his point is not what Parliament can do but what "Constitutional Right it has to do so." Therefore, he concludes, any tax regarding "Internal Polity" might be legally opposed. He is sanguine enough to believe "...we have nothing of this sort to fear from those Guardians of the Rights and Liberties of Mankind." (The Stamp Act did not become fact until 1765, but even in the summer of 1764 there were portents of its coming.)

Lest some might object that denying Parliament the right to control internal taxation in the colonies might be extended to exclude all laws of England, Bland hastens to declare that the common law and the "Statutes of England in Force at the Time of Separation", since they were

---

204. Ibid., p. 22.
205. Ibid.
206. Ibid.
207. Ibid.
208. Ibid.
209. Ibid.
made by the representatives of the colonists' ancestors, are binding.

To make his position doubly sure, the Colonel proceeds to examine the power of the General Assembly derived from grants, from the Crown, and from the rights of the people: He begins with the origins of Virginia and states that the charter granted by King James I to the Treasurer and Company of Adventurers who established the colony gave power to the Company to constitute a government here. The Treasurer and the Company in time established a legislature made up of governor, council, and representatives "to be called the GENERAL ASSEMBLY, with 'free Power to treat, consult, and conclude, as well of all emergent Occasions concerning the publick Weal of the Colony...as also to make, ordain, and enact, such general Laws and Orders for the Behoof of the Colony, and the good Government thereof, as shall from Time to Time appear necessary or requisite.'" Even upon the Company's dissolution, the people continued in possession of this power, and King Charles, in 1634 and again in 1642 declared all rights enjoyed by the colony as a corporation "should not be impeached". Bland declares. After the Restoration when Virginia solicited a new charter embodying a general assembly, she received the King's signature but because of Bacon's Rebellion

211. Colonel Dismounted, p. 22.
213. Colonel Dismounted, p. 23.
214. Ibid.
215. Ibid.
216. Ibid.
it did not go into effect; however, Charles II and his successors in their commissions gave power to the governors, with the consent of the council, to call general assemblies. Summarizing his points thus far, Bland writes:

From this short Review of our Constitution, it may be observed that the People have an original Right to a legal Government...confirmed...by Charter...constant and uninterrupted Usage and Custom...for more than one hundred and forty Years.219

Colonel Bland agrees that the King's assent to acts of assembly is necessary but, he says, since this assent cannot always be given in person the power is delegated by commission to the Governor; therefore the latter's assent is the King's assent. In addition, the King retains the right of abrogating laws regardless of the Governor's assent, and "FROM THE TIME of such abrogation and NOT BEFORE, they are to cease"; so speaks the Colonel, still remembering the Two-Penny Act.

Bland further argues that the instructions to the Governor are only guides and, while they should have the force of laws to the Governors, they should not have such force upon the people to whom they are secret unless his Excellency chooses to make them public. To quote:

From hence then it is evident that the General Assembly may pass an Act which alters or repeals an Act that has received the royal Approbation, without

---

218. Ibid.
219. Ibid., p. 25.
220. Ibid.
221. Ibid.
destroying the old Constitution or Attempting to bind the King's Hands; and if such Act is passed, it must have the Force and Obligation of a Law until the King declares his royal Disallowance of it. 223

Continuing this same point Bland says that from instructions which he has seen in the past, the Governor is told not to assent to any Act which alters or repeals another Act without a suspending clause "unless in Cases of great Emergency" or to any Act which alters or repeals one which has the King's approval without first getting his Majesty's permission. Bland concludes that if the Governor does so pass an Act contrary to the above, he subjects himself to penalties, but an Act so passed has the obligation of law until the King's disallowance. 227

The pamphlet concludes shortly after the constitutional dissertation, but not without a dig at the Rector's patriotism:

...whoever throws out Reflections on the Acts of the Legislature, as plainly tend to weaken their Authority, let his Profession of Patriotism be otherwise ever so spacious, is so far an Enemy to his Country. 228

He leaves the way open for an answer from Gann, for he says he expects the Rector to reconnoitre and reply. 229

223. Ibid., p. 27.
224. Ibid.
225. Ibid.
226. Ibid.
227. Ibid., p. 28.
228. Ibid., p. 30.
229. Ibid.
"CRITICAL REMARKS"

And the Rector did reply; he had the last word in this paper which closed with his Critical Remarks in 1766. The pamphlet contains an introduction entitled "The Dedication to his Demi-Reverence." "His Demi-Reverence" is Colonel Bland, from internal evidence. Both the introduction and the main body of the pamphlet are signed, "The Rector's Ammuousia." This superficial anonymity is put on, one infers, to reply in kind to the Colonel Dismounted which was written in dialogue with the writer supposedly someone other than Bland himself and which was signed "Common-Sense.

The introduction to Critical Remarks is satire to the extreme in "praise" of Bland. In most elaborate figures the Colonel's "itch" for writing is made fun of. It is larded with Greek and Latin and quotations from Don Quixote for the purpose, so we

231. Cf. Ibid., p. 11.
232. Ibid., pp. 22-40.
235. Ibid., p. v.
are told, of making some "Figure in Company with the Colonel."

In the pamphlet proper, after criticising Bland's Latin and accusing the Colonel of having started the paper war, the Rector, writing as his secretary, inserts what one assumes is original doggerel. This is entitled "The Controversy" in which a dog attacks a cat and then the owners engage in a fight. An example of the verse follows:

One morn a mild and inoffensive Cat
Upon a sunny Step unthinking sat.
Comes by a Mastiff, who in want of Sport,
To show his Power, without a warning Snort,
Fetches to seize the Cat a sudden Bound
Gives her a Shake and throws her on the Ground.

This continues for sixty-eight lines. At the end of the pamphlet one finds further versification, some of which is amusing. Here are two examples, aimed at the Colonels, of course:

With full blown Vanity a Satyr met,
Who lov'd to see the Self-Admiror fret.
O Goddess! what a Flood of Light! he cries.
What peerless Lips! and what resistless Eyes!
But, Pity 'tis, the Pimple on your Nose,
A Cloud to stain this dazzling Heaven has rose.

Assembly Acts, if John find Fault with, hence
Springs to Authority a vast Offence;
But Acts of Parliament, if Richard call
Erroneous Acts, 'tis no Offence at all.

---

236. Ibid., p. x. Bland did make use of classical allusions and quotations in The Colonel Dismounted. For example, see that pamphlet, p. 20.
237. Critical Remarks, pp. 1, 2.
238. Ibid., p. 5.
239. Ibid., p. 7.
241. Ibid., p. 35.
242. Ibid., p. 39.
The verse is just decoration and made the writing fun, one can believe. Sandwiched in between were some serious words, though chiefly repetition of arguments in former pamphlets. Comm tosses the ball of criticism back and forth by quoting Bland and answering his charges. Then he gets down to an examination of Bland's constitutional argument in *The Colonel Dismounted* as far as it related to the Two-Penny Act.

The Rector asks three questions — and they hit close to the mark:

Whether an Act glaringly unjust can have the Validity of Law in an English or free Government?

Whether on Revolution principles an Act passed by a whole Legislature can be suspended or dispensed with by a Part of that Legislature?

Whether an Act contrary to Royal Instructions, referred to as the Governor's Guide and Direction in his Commission, can have the Force of Law?

He says, in order to support the Act against the Clergy all three must be answered in the affirmative. Comm, of course, has as his premise the injustice of the Two-Penny Act, and, of course, Bland never admitted such a thing. Therefore Comm's first question had no basis for argument.

His second and third questions are sharper.

Further examining Bland's argument, Comm quotes him

---

as saying "Under an English Government all Men are born free". The Rector wishes to know if Bland considers Virginia not an "English Government" or that negroes under it are not born slaves, or that slaves are not men. (That is a bit below the belt, but then none of the pamphleteers in this paper war pulled his punches.) Then he asks how Bland justifies having the "landed man, the Merchant, or the Parson...give their own Consent to be divested of their Property, for no publick utility" even supposing this consent to have been given virtually by their representatives, if the royal assent was still lacking.

...how does the suspending this Act by the Governor and Assembly alone agree with that uncontroverted Maxim of British Government, that an Act once passed cannot be dispensed with, or suspended, but by the whole Legislature which agreed together in passing it?

The Reverend John Carm spoke as the royalist with a personal interest in the question under discussion. It was broad and meat to him. Of course this personal asp e was bound to color his arguments. Even so, some seem quite valid. Colonels Richard Bland and Landon Carter, on the other hand, while benefiting, perhaps, from the Two-Penny Act would not have felt the pinch very much, being rich enough, and so could argue more impersonally. Their injection of personal spite was, one imagines, for the spice it added to the game.

248. Ibid., p. 19.
249. Ibid.
250. Ibid.
251. Ibid.
252. Ibid., p. 23.
The paper war does seem now of little moment, but it was a means of weakening the link which was finally to break the chain binding America and Britain, though probably no soul, at the time, dreamed of such an event.
IV.

COLONEL RICHARD BLAND INTERPRETS

THE BRITISH CONSTITUTION IN HIS

"INQUIRY INTO THE RIGHTS OF

THE BRITISH COLONIES"
COLONEL RICHARD BLAND INTERPRETS THE 
BRITISH CONSTITUTION IN HIS "INQUIRY 
INTO THE RIGHTS OF THE BRITISH 
COLONIES"

Between March 7 and 14, 1766, there was published An 
Inquiry into the Rights of the British Colonies, the most notable of 
all Richard Bland's works. Its timeliness assured it a reception beyond 
Virginia for a long time afterward. Of all the pamphlets considered in 
this paper, it is the one, I found, which seems to have been accorded 
more space in works dealing generally with the literature of the period. 
The judgments of its merits, however, are somewhat varied. For example, 
one writes:

Although the Sons of Liberty publicly thanked Richard Bland 
for his pamphlet, An Inquiry into the Rights of the British Colonies, 
it is doubtful that they understood a word of it, for a more involved 
and inconsistent essay is hard to find. Perhaps they did understand 
that he was one of the first to proclaim the doctrine that America was

---

1. Purdie, Virginia Gazette, Mar. 7 & Mar. 14, 1766 carry ads regarding 
An Inquiry. The first announces its coming publication; the second, its 
publication.

2. Dictionary of American Biography, II, 354, says An Inquiry was re- 
printed in the Political Register, London, 1769.
united to England only through the Crown, and that therefore Parliament had no authority over the colonies.  

McLaughlin also calls Bland's pamphlet confusing, though he concedes that it gave an able defense of the colonial right to self-taxation and laid the basis for looking upon colonies as dominions of the king free from parliamentary supervision.

An historian of older days is more complimentary:

Virginia had kindled the flame; Virginia had now the honor, by the hand of one of her sons, to close the discussion, by embodying authoritatively, in calm and dignified, though in somewhat pedantic language, the sentiments which the contest had ripened. It was Richard Bland, of the Ancient Dominion, who, through the press, claimed freedom from all parliamentary legislation; and pointed to independence as the remedy for a refusal of redress.  

Bland's younger contemporary, Jefferson, had this to say of An Inquiry:

... He wrote the first pamphlet on the nature of the connection with Great Britain which had any pretension to accuracy of view on that subject, but it was a singular one. He would set out on sound principles, pursue them logically till he found them leading to the precipice which he had to leap, start back alarmed, then resume his ground, go over it in another direction, be led again by the correctness of his reasoning to the same place, and again back about, and try other processes to reconcile right and wrong, but finally left his reader, and himself bewildered between the steady index of the compass in their hand, and the phantasm to which it seemed to point. Still there was more sound matter in his pamphlet than in the celebrated Farmer's letters, which were really but an ignis fatuus, misleading us from true principles.  

---

5. Bancroft, George, History of the United States from the Discovery of the American Continent, V, 442.
The Stamp Act controversy had provoked much examination into the nature of the colonies' relation to the mother country.

Richard Bland, still a member of the Committee of Correspondence set up by act of Assembly, February 2, 1759, certainly had a hand in formulating ideas. A letter from the committee to its agent in England, dated Williamsburg, July 28, 1764, discusses the proposed Stamp Act among other things and brings out the difference between the Power and Right of Parliament to tax. This sounds very like Bland in his argument in The Colonel Dismounted. Bland was chosen by the House of Burgesses in October, 1764, to be a member of a committee to draw up an address to the King, a memorial to the Lords and a remonstrance to the House of Commons regarding taxation imposed other than by their own consent. Dr. Swem says Bland was the probable author of all three, though he can find no authority for the belief. I examined the address, memorial, and remonstrance in the Journals of the House of Burgesses for December 10, 1764, and compared wording and idea with Bland's other work. The similarity is obvious. Of course this does not necessarily make Bland the author, for he could have appropriated thought and phraseology for his Inquiry, and his position on the committee could explain the fact that

7. "Proceedings of Virginia Committee of Correspondence, 1764," The Virginia Magazine of History and Biography, IX, 364.
8. The Virginia Magazine of History and Biography, XII, 8-14.
9. See Dr. Earl Gregg Swem's introduction to An Inquiry, p. v.
10. Ibid.
conventional and not arbitrary." He plans to consider the state of the colonies further on.

Bland traces the history of the civil constitution, originally from the Saxons, founded on the principles of liberty whereby every freeholder was a member of the Witenagemot, with non-proprieters excluded. He is uncertain how long the right of being personally present in Parliament continued or when representatives were sent, but he knows that every resident freeholder had the right to vote at the election of knights for his county, thereby achieving actual representation. This right was taken away by "the Statute 8th Hen.6 Ch.7" from all who had not a "clear Freehold Estate of forty shillings by the Year at least." Bland considers that this deprived smaller freeholders of an essential right, but he feels they are not thereby freed of their obligation since "Men in a state of Nature are absolutely free and independent of one another ... but when they enter into a Society, and by their own Consent become Members of it, they must submit to the Laws of the Society according to which they agree to be governed." He says they still have the right to leave that society and settle in another country. His logical conclusion is that everyone deprived of natural

19. Ibid., p. 7.
20. Ibid., pp. 7-8.
22. Ibid.
23. Ibid., p. 9.
24. Ibid., p. 9.
rights who remains is subject to laws "which by these Acts he implicitly, or ... virtually consents to."

Then Bland, in his best alliterative style, declares that if nine-tenths of the British people are deprived of being electors

...it shows a great Defect in the present Constitution....it would be a Work worthy of the best patriotick Spirits in the Nation to effectuate an Alteration in this putrid Part of the Constitution; and by restoring it to its pristine Perfection, prevent any "Order or Rank of the Subjects from imposing upon or binding the rest without their Consent." 26

If the people of Britain, not electors, are not represented, even more are the colonists not represented, he continues, since all Parliamentary legislation considers the latter as a distinct People." 27

Having examined the civil Constitution of England, Bland has found no solution. The colonies are too recent, and there is, he says, nothing in ancient laws nor in the history of the colonies of other nations to give a parallel. He points out that Roman colonies were among vanquished peoples, but colonies in North America were founded by Englishmen, "private Adventurers", without expense to the nation. Since no answer is to be found in law or history, Bland has "Recourse to the Law of Nature and those Rights of Mankind which flow from it." 28

---

25. Ibid., pp. 9-10.
26. Ibid., pp. 11-12.
27. Ibid., p. 12.
29. Ibid., pp. 13-14.
His argument continues: When men exercise their natural right to withdraw from a society, they recover "their natural Freedom and Independence; if they unite, take possession of a new land, and form a political society, "they become a sovereign State, independent of the State from which they separated." Equally, if they have such rights, so they have the right to compact with the sovereign of the nation to go to new land and form a government on terms of a compact binding on both parties. America was settled not by fugitives but by men who came voluntarily, at their own expense, and under Crown charters "long before the first and great Act of Navigation." Bland traces the charters from that given to Walter Raleigh in 1584 and reassigned by him to the merchants of London, to the charters granted by James I "with an express Clause of Exemption from all Taxes or Impositions upon their Import and Export Trade." He notes that in 1621 a General Assembly was established in Virginia, elected by freeholders, which has continued ever since in spite of the dissolution of the Virginia Company in 1624. Bland gives a very exact history of the continuation of such rights: Charles I declared Virginia to be immediately dependent on the Crown and promised her all the privileges enjoyed under the Company's patent, promises he reiterated later; after the death of Charles and during the rule of

31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid., p. 15.
35. Ibid.
36. Ibid., p. 17.
37. Ibid., pp. 17-18.
Parliament, the commissioners who came to take possession had to sign "Articles of Surrender" of which an abstract is given.

Bland summarizes his points thus far by saying that Virginians had

...a regular Government long before the first Act of Navigation, and were respected as a distinct State, independent as to their internal Government, of the original kingdom, but, united with her, as to their external Polity, in the closest and most intimate LEAGUE AND AMITY, under the same Allegiance, and enjoying the Benefits of a reciprocal Intercourse.

He then continues his argument much as follows: When settled, America was not part of the kingdom of England; independent Englishmen settled at their own expense "under particular Stipulations with the Crown"; and these agreements "must be the sacred Bond of Union between England and her Colonies."

The author of The Regulations had, apparently, claimed that no power could abridge the authority of Parliament. Bland says he does not dispute the authority of Parliament but he feels that the King has some prerogatives outside Parliament. If not, how can "the Royal Engagements be made good," he asks, and adds that it would mean "all charters granted by Kings are deceptions." Besides, says Bland, there was a time when people in some parts of England, such as those in the County

38. Ibid., p. 19.
39. Ibid.
40. Ibid., p. 20.
41. Ibid.
42. Ibid., p. 21.
43. Ibid.
Palatine of Chester, were exempt from the laws of Parliament. If this exemption was not from the Crown, then it was from the great principle of the British Constitution by which freemen are subject only to laws made by themselves or their representatives, and in either case, applicable to the colonies.

Continuing his legalistic and historical interpretation, Bland says that the constitutions of the colonies, established on principles of British liberty, were never infringed by immediate act of the Crown but were often reaffirmed in the King's Commission to his governors. Even in the reign of Charles II, a time highly unfavorable to liberty, Bland asserts, the rights of the colonies were inviolate. He admits that after the Restoration the colonies lost their liberty of commerce with foreign nations which they had enjoyed before. He says the acts prohibiting free foreign trade in the reign of Charles II deprived the colonies of the privileges of English subjects and that Virginians protected taxes levied on the colony by any but their General Assembly. Then, he declares, was when Virginia disputed the right of Parliament to impose internal duties. He says Charles II, April 19,
1676, agreed that impositions and taxes ought not to be laid except by common consent of the General Assembly other than such as Parliament should place on commodities shipped to England from the colony.

Even had Virginia not complained of this infringement of her rights, says Bland, it would be immaterial, since if might deprives one of an estate, it is not right simply because it is not complained of. Bland says he feels he has already proved that the colonies are not represented in Parliament and therefore any act of Parliament imposing internal taxes is an "Act of Power, and not of Right."

Great is the Power of Parliament, but, great as it is, it cannot, constitutionally, deprive the People of their natural Rights; nor, in Virtue of the same Principle, can it deprive them of their civil Rights, which are founded in Compact, without their own Consent.

Then the cautious Colonel approaches the "precipice" of which Jefferson wrote, the point at which he might, logically, have threatened severance from the mother country; he totters on the brink, but he flings himself back in time. Observe: He says if Parliament should turn the colonies over to a foreign power, the colonies have a natural right to defend their "Liberties by open Force, and may lawfully resist," but, if deprived of civil rights the remedy is to lay their complaints "at the Foot of the Throne" and suffer patiently rather than

51. Ibid.
52. Ibid.
53. Ibid.
disturb the public peace "which nothing but a Denial of Justice can ex-
56
cuse them in breaking." If justice is denied, what, he asks, is to be 
57
done? He answers indirectly as follows:

To such a Question Thucydides would make the Corinthians reply, that if 
"a decent and condescending Behaviour is shown on the Part of the Colonies, 
it would be base in the Mother State to press too far on such Moderation:" 
And he would make the Coreysans answer that "every Colony, whilst used in 
a proper Manner, ought to pay Honour and Respect to its Mother State; but, 
when treated with Injury and Violence, is become an Alien. They were not 
sent out to be Slaves, but to be the Equals of those that remain behind."58

(Colonel Bland, in so writing, was acting in a manner 
consistent with his past behavior and his future. He was an ardent advvo-
cate of colonial rights, as witness his many writings and political activi-
ties, but he was conservative to a marked degree: He opposed the Stamp 
Act heartily and participated, as has been mentioned before, in the formul-
ation of resolves and addresses tended to prevent it, but he opposed 
59
Patrick Henry’s fiery resolutions against the Act in 1765 as premature. 
Ten years later he opposed Henry’s resolutions to arm the colonies, still 
believing conciliation to be possible. )

Let us continue with the pamphlet analysis now: Bland 
advocates unity of the colonies "to maintain in a constitutional way their 
dearest Interests" and declares such unity is natural because of

56. Ibid., p. 27.
57. Ibid.
58. Ibid.
59. Ibid., Swem’s introduction, p. v.
60. Ibid., p. vi.
61. Ibid., p. 28.
geography as well as because of common interests. He asks if this natural coherence is to be destroyed by military forces quartered in private homes, or by depriving colonists of proper trials, or by tax-gatherers. Then he grows a bit temerarious and says, "Oppression has produced very great and unexpected Events," but he modifies this challenge by expressing a hope that the colonies may always remain under a "constitutional Subordination to Great Britain."

Bland concludes his essay with a long paragraph regarding things he might have discussed further but does not "as the Subject is too delicate."

An Inquiry is highly significant. It is true that many of its points were first stated in The Colonel Dismounted: Virginia possessed certain rights of self-government from the first; the colonists were descendants of Englishmen who by their own consent and at their own expense settled here; Virginia had always been independent as to her internal government, but she was united to Parliament in external policy; Parliament had power but that power did not imply right. The Colonel Dismounted was, however, so full of the feud between the Colonists and the Rector and so cheapened by invective that its influence anywhere outside

---

62. Ibid., p. 29.
63. Ibid.
64. Ibid.
65. Ibid.
66. Ibid., pp. 30-31.
of the Virginia clique must have been almost nil. An Inquiry, free of personal spite, was of more influence. It also introduced several fresh points: It declared that the colonies were not represented in the British Parliament; it promulgated the idea that the right to retire from a society existed, after which one was not subject to the laws of that society; and it emphasized the laws of nature and the natural rights of mankind.

Dr. Tyler wrote, speaking actually of The Colonel Dis-mounted, that in the perception of the real authority of an American colony Bland was not only ahead of James Otis, Samuel Adams, or any other pamphleteer or writer in time, but also far ahead of them in his views.

As noted before, McLaughlin gives Bland credit for laying the basis for looking upon colonies as dominions of the king, free from parliamentary supervision. I am indebted to Dr. Wroth, Librarian of the John Carter Brown Library, for calling to my attention a note of his which gives a hint of the possible source of Bland's idea along this line. In An American Bookshelf, 1755, Dr. Wroth discusses an anonymous Essay on the Government of the Colonies published in 1752:

...its writer laid down the extreme constitutional theory that the colonies existed as fiefs of the Crown, permitted to meet in Assembly not

---

67. Ibid., pp. 53-57 Dr. Swem gives at the end of his edition of An Inquiry a list of the books to which Bland refers in his notes and which it was probable he had in his library. Needless to say, John Locke was represented in the list.
68. William and Mary Quarterly, XIX, 25.
69. McLaughlin, op. cit., p. 45.
70. Wroth, Lawrence C., An American Bookshelf, 1755.
71. Ibid., pp. 29-31.
by right but by the royal grace.... A further distinction in the history of ideas in America possessed by this Essay lies in its plain declaration that the colonies as crown domains were not within the authority of Parliament. 92

Dr. Wroth quotes as follows from the Essay:

We are Parcel of the Dominions of the Crown of England; we are no Part, nor ever were, of the Realm of England, but a peculiar of the Crown; and by a natural and necessary Consequence, exempted from parliamentary Aids.

Dr. Wroth says he read the Essay and Bland's Inquiry side by side and he feels that Bland had a copy of the Essay near at hand.

Further than this, Dr. Wroth goes back to 1701 where he finds the same doctrine in An Essay Upon the Government of the English Plantations. I was able to examine An Essay (1701) and found a hint of several of Bland's points there. The author speaks of a free constitution in the colonies which would not be prejudicial to the "King's Service." A scheme of union with a general assembly of all the colonies is also proposed.

Irrespective of Bland's sources, An Inquiry is of great importance in any study of the development of American revolutionary thought, as are all his pamphlets. Dr. Eskinrode writes:

72. Ibid., p. 50.
73. Ibid., pp. 30-31.
74. Ibid., p. 31.
75. Ibid., p. 40.
77. Ibid., pp. 69-70.
...it was not Henry who influenced the conservative leaders so much as it was the conservative leaders who furnished him with thunder. The orator began his career by putting into practice in his Hanover speech the arguments Richard Bland had introduced to the small reading public in the pamphlet of 1750.78

As we examine further pre-revolutionary political pamphlets by Virginians, we shall note instances of Bland's influence.

An Inquiry was Bland's last notable work in pamphlet 79 form. In 1773 (?) he published a letter To the Clergy of Virginia regarding the governor's "visitorial power within the colony and his authority to exercise ecclesiastical jurisdiction over the clergy." There are only four pages of text, and it is chiefly an expression of Bland's legal opinion on the subject, given at the request of several clergymen. His conclusion favors the clergy and denies the legality of any ecclesiastical jurisdiction over them by the governor.

---

78. Eckenrode, op. cit., p. 22.
79. Torrence, op. cit., p. 68, fixes this date because Bland speaks of the use of Mrs. Read's press; she took over the Gazette in Aug. 1773 and died Sept. 1774.
80. Bland, Richard, To the Clergy of Virginia, [1773].
81. Ibid., p. 1.
82. Ibid.
83. Ibid., p. 3.
V.

DR. ARTHUR LEE PROVES A MOST
PROLIFIC PAMPLETTEER
There are eight political pamphlets by a Virginian Dr. Arthur Lee which I feel we should consider, though it is true that he wrote and published most of these in England and that the better part of his mature life was spent abroad.

Arthur Lee, eleventh child of Thomas Lee and Hannah Ludwell, was born at "Stratford," Westmoreland County, Virginia, December 21, 1740. He was the brother of Richard Henry, Francis Lightfoot, and William Lee. Arthur Lee was educated at Eton and later received his M.D. degree from the University of Edinburgh in 1764. After traveling abroad for a while, he returned to Virginia to practice "physic" in Williamsburg for about two years. Then he returned to England to study and later to practice law. His biographer says that he returned to England "to aid the cause of American liberty" and to study law with the purpose of gaining knowledge of the British Constitution. From 1770 to

---

2. Ibid.
3. Ibid.
7. Ibid.
1966. It was observed at the congressional hearings that
the military was engaged in the training of all its personnel. In
addition, the report stated that in the interests of all, services
made substantial progress in the training and deployment of
forces. Therefore, the report recommended that the
1967 war be fought to any extent only after the other
commitments. On the report.

In 1968 the committee of socialist correspondence of the
Committee for

In 1969 the committee of socialist correspondence of the
Committee for

In 1969 the committee of socialist correspondence of the
Committee for

In 1969 the committee of socialist correspondence of the
Committee for

In 1969 the committee of socialist correspondence of the
Committee for

In 1969 the committee of socialist correspondence of the
Committee for

In 1969 the committee of socialist correspondence of the
Committee for

In 1969 the committee of socialist correspondence of the
Committee for
as a member of the Treasury Board. He opposed the adoption of the
Constitution. His death came in 1792.

18. Ibid.
19. Ibid.
20. Ibid., p. 96.
"AN ESSAY IN VINDICATION OF THE CONTINENTAL COLONIES OF AMERICA"

We are chiefly interested in the years of Arthur Lee's pre-revolutionary pamphleteering, 1764-1775. The first effort, An Essay in Vindication of the Continental Colonies of America, is of interest primarily because it is the first example we have of his political writing. The essay makes two points:

First, Lee is replying to Adam Smith's praise of the courage and other moral qualities of negro slaves as opposed to the "sordid" qualities of their masters. Lee declares that, on the contrary, the negroes are, in effect, liars, wife-sellers, murderers, human sacrificers, and cowards: that they are cruel, depraved, barbarous, and idolatrous. He declares that the general belief that the negro in

23. Ibid., pp. 11-12.
America is barbarously treated is absolutely untrue, that their "habitations" are palaces and that aside from the misery of slavery, their condition is happy as compared to life in most parts of Scotland and Ireland. All of the above tirade was in defense of the colonists' treatment of their slaves, but though Lee speaks ill of the negro, he implies that their evil characteristics are not inherent in the race but are the product of slavery; he calls Aristotle as witness that "slaves could have no virtue." He feels that African slavery is unjust and "inconsistent with civil policy" and suggests that it might be to the advantage of Europeans to abolish the slave trade.

Secondly, young Dr. Lee, in conjunction with the above argument, contrasts the first happy state of the colonies, particularly of Virginia, Maryland, and the Carolinas, with their unhappy condition at the time of writing. He traces briefly some of the history of settlement and praises Virginia as being "pretty...conformable to the constitution," as having helped England in the war with the French, and as ever loyal to the Crown. He implies that many of her difficulties of restricted manufactures and "confined" commerce might be laid to restricted

24. Ibid., p. 25.
25. Ibid., p. 37.
26. Ibid., p. 42.
27. Ibid., p. 45.
28. Ibid., pp. 18-19.
29. Ibid., p. 20.
30. Ibid., pp. 17-18.
31. Ibid., p. 23.
32. Ibid., pp. 23-24.
33. Ibid., p. 21.
34. Ibid., p. 20.
liberty when he quotes Montesquieu as follows: "Commerce especially flies from oppression, and rests only under the wings of liberty."

In short, Lee's thesis is that slavery is an evil to both slave and master and a burden to the colonies on whom it has been imposed.

Politically speaking, this pamphlet appears of little note. It will be interesting, however, to observe, as Dr. Lee matures, his early ideals still persisting. Again and again we shall find the belief expressed that progress and all the good things of people and nations exist only in a state of freedom from oppression.

35. Ibid., p. 39, quoting Montesquieu's Spirit of Laws, II.
"THE MONITOR'S LETTERS"

Four years later Arthur Lee published the "Monitor's Letters" in Rind's *Virginia Gazette* at a time when he happened to be back in America. They were written to aid the "Farmer's Letters" of John Dickinson of Pennsylvania. The latter were being published in the *Virginia Gazettes* of Purdie and Dixon and of Rind at the time. Both series of letters were published in a combined pamphlet in 1769. Of the "Monitor" series Jefferson had a poor opinion, but R.H. Lee compared it favorably with the "Farmer's Letters" and with Thomas Paine's *Common Sense*.

In the file of *Virginia Gazettes* which I was able to

---

36. Rind, *Virginia Gazette*, Feb., 25, Mar. 3,10,17,24, Apr.,7,14,21,28, 1768 (The issues of Feb. 25 and Apr. 7 were missing from the files of the Virginia State Library).
38. Ibid.
40. Torrence, op. cit., p. 49, item no.349.
use, the first and seventh of the "Monitor" series were missing, but I feel this will be no great handicap to an understanding of the whole. To me the letters seem well written, exhibiting real learning and sincere beliefs. There is, however, little creative political thinking, which, after all, is not necessarily the only virtue in such writing. There is great value in an expression of the thinking of the past and in an interpretation of it in terms of present necessity.

"Monitor I" warned of the dangers to liberty. This we learn from the fourth letter in which Lee reviews briefly what he has covered up to that point.

"Monitor II" begins, as do all in the series, with a quotation which sets the tone or presents the thesis of the letter. In this case it is a quotation from Cicero, as Lee explains in one of his numerous footnotes. I quote part of Lee's first paragraph as illustrative of his easy style and of his belief in liberty as the highest good:

A sentiment, which breathes so pure and exalted a sense of freedom and detestation of slavery, could hardly have arisen in a mind not enabled by the influence of liberty, in a free state, Cicero, in this our motto, calls slavery the worst of all evils... 45

Lee then develops the idea that it is possible for people to have "a love of liberty and hatred of slavery, so indelible as to render it impossible to fix chains upon them, by whomsoever forged." This he does by

43. Rind, Virginia Gazette, Mar. 17, 1768.
44. Ibid., Mar. 3, 1768.
45. Ibid.
46. Ibid.
Illustrating copiously from classic history: Consulting Herodotus he tells of the conduct of the Athenians under the tyranny of Pisistratus, of the spirit of liberty in the three hundred Spartans against Xerxes, and of the Athenians taking to ships rather than submitting to the Persian. He takes leaves from Rome's early history and then from that of Flanders, remarking that "such are the immortal deeds which she has effected; what then shall she not accomplish." 47

One is reminded of Lee's earlier Essay by his further remarks. Indeed it is confirmation of his authorship of the earlier unsigned pamphlet, since some of his quotations and ideas in this are almost identical with the first: He declares that with Sidney he is convinced "That liberty produces virtue, order and stability; while slavery is of necessity accompanied with vice, weakness and misery." 48 He quotes again from Aristotle to the effect that "a slave can have no virtue" and calls as witnesses Longinus, Raleigh, Cicero, Cato, Cassius, and Brutus. He contrasts the glory of the years of Athens and Rome as free states with their barrenness under tyrants. He exhorts all to study classic history for examples, to study their own history and that of the British Constitution, and concludes with advice to the reader to "revere these names and emulate these virtues." 49

47. Ibid.
48. Ibid.
49. Ibid.
50. Ibid.
"Monitor III" begins with Richard Bland's favorite motto, "Salus populi suprema lex esto," and we have the theme for the day. Lee declares that the tyranny of a number is worse than the tyranny of one. "Virtual representation," which he decries as none at all, makes Virginia victim of such tyranny: "My Lord Camden has justly and emphatically observed that there is not a blade of grass in Great Britain but what is represented; for what unheard of crime is it, that not a blade of grass in America is represented?" Lee pictures the horrors of oppression under a possible wicked minister. He makes a good point when he says that "a government...is not only a tyranny when tyrannically exercised; but also when there is no sufficient caution in the constitution that it may not be exercised tyrannically. Where is this caution in ours?"

Lee urges that all over America representatives should draw up a petition of rights "and never desist from the solicitation till it be confirmed into a bill of rights." Notice that there is here no threat, no suggestion of violence. There seems to be, as there was in Bland, supreme confidence that solicitation will ultimately prevail.

The text for "Monitor IV" is "Liberty procured with danger seemed desirable to slavery with ease." Lee reviews briefly what he has

51. Ibid., Mar. 10, 1768.
52. Ibid.
53. Ibid.
54. Ibid.
55. Ibid., Mar. 17, 1768.
attempted to do in his three previous letters and then proceeds to outline in this his suggestions as to what instructions the people should give the representatives he hopes to see them appoint. He feels that petitions, if sent by all the colonies, would be received better than those relating to the Stamp Act were. He feels that the people of England are really "candid, just, and generous" and that in the crisis of the Stamp Act the petitions did not reach the British public as the news of the violence did.

The suggestions for the representatives, in brief, are:

(1) Make a statement of the knowledge of rights necessary to freedom; (2) regard any attempt to deprive of those rights as oppression; (3) consider any attempt against one colony "equally interesting" to all; (4) urge petitions to the King against the acts of Parliament for quartering soldiers in America, for suspending the government of New York, and for laying duties on glass, paper, paint, etc. imported into America from Great Britain; (5) consider all such destructive of liberties; (6) try to express these ideas as a petition of rights or in some way procure a bill of rights; and (7) promise faithful support of these measures.

"Monitor V" is very worthwhile. It resembles Blond's Inquiry in parts of its political philosophy and in its reliance on history and precedent. Lee discusses the rights America claims, declaring them to

56. Ibid.
57. Ibid.
58. Ibid., Mar. 24, 1768.
have been "our uninterrupted possession for upwards of an hundred years" and as old as the British Constitution. He feels that charters, other than as security, were not really necessary for us as direct descendants of Britons.

This consideration is sufficient answer to those, who conclude our privileges to be null and void, because they were held from the royal charter; which, say they, it is not in the power of prerogative to grant; these charters are not grants of new rights, but in confirmation of old ones; nor is it worth disputing whether prerogative could grant them; it would be enough for us, that prerogative did grant them, that the parliament acquiesced in the grant, and that the free people of Britain acted under the security of that grant...the last of these charters was granted in the reign of George the II when there remained little doubt concerning the nature of the British constitution, the liberties of the people, or the power of the prerogative, since the bill of rights had, long before that period, fixed them upon the same determined principles by which they have ever since been governed. And this last charter, has reserved to the Americans the same privileges, and in the same words, as hath the first in the reign of James the I.

We note an interesting exception to the methods used by Bland. Bland premised all his arguments on acts and precedents before 1698-99. Here we find Arthur Lee stepping beyond the date of the Bloodless Revolution, which had definitely placed the power of Parliament above the royal prerogative.

The strength of the colonists' arguments against the right of Parliament to tax them lay before 1689. Most of the American colonies had been founded before that date. As late as 1776 the Americans were tracing their grievances to Parliament, but when they found Parliament unwilling to renounce its "rights" they changed their tack; Congress issued the Declaration of Independence which expressed grievances against the King. McLlwaine says

---

59. Ibid.
60. Ibid.
that this was because the *Declaration* was addressed to the world which neither knew nor cared for the British Constitution; that it was based on political theory rather than on constitutional law.

Lee lambasts Mr. Grenville and wonders that the British do not see their own liberties threatened. "Whenever our liberties are laid low, their rights and privileges will not be of long duration..." Again: "The liberties then of our forefathers, were coeval with the British constitution...we then...are free."

The horrors of the future, if the colonies submit to having their money seized now, are pictured. Lee goes to extremes and almost ruins this letter by his extravagant prophecy to the effect that if submission is given "then must we prepare to see our property ravished from us, our houses broke open, our wives, our daughters, violated, ourselves torn from the tenderness and caresses of our families..." To the plea of some that it is necessary to submit he declares that he "cannot conceive the necessity of becoming a slave, while there remains a ditch in which to die free." He refers again to his illustrations in "Monitor II" on resistance to tyranny. The method he still advocates is "respectful representation," relying on the justice of the King and of the free people of England. He reiterates, however, that "in no event must our liberties be given up."

---

64. *Ibid*.
65. *Ibid*.
66. *Ibid*.
67. *Ibid*.
As a whole "Monitor V" was a strong paper and the best of the lot.

68

The sixth letter of the series continues the argument of the fifth. Lee declares that the colonies had always contributed to the support of government but had done so constitutionally "by our own consent." He feels that the new acts aim at "extorting from us as slaves the remainder of that which we gave as freemen."

He quotes from Molynoux in his defense of Ireland in similar circumstances. He declares that we ask the vote not for the "rabble" but for "freeholders and electors, whose right accrues to them from the common law, or from charter." Lee continues:

Is it not then the most pitiful, most detestable sophistry, to tell us that because there are a number of people in Great-Britain, who are, by the constitution, unqualified to vote for a representative, and yet are taxed, therefore, all the people in America, who are qualified, shall be treated in the same manner? 73

Lee declares the aim must be the re-establishment of the constitution, but just in case of failure to secure redress, he has supported the associations for the encouragement of manufacturing so that the colonies should not be totally dependent.

68. Ibid., Mar. 31, 1768.
69. Ibid.
70. Ibid.
71. Ibid. (See Mallwine, op. cit., pp. 32-70, passim, for a discussion of the constitutional issue in Ireland a century before, which he calls the closest constitutional parallel to the American Revolution).
72. Ibid.
73. Ibid.
74. Ibid.
Any of the three acts of Parliament, if accepted, he says, would be destructive of liberty: granting money for revenue, quartering troops, or suspending the legislature.

As has been stated, "Monitor VII" was not available; so we shall proceed to "Monitor VIII." Looking to an economic reply to Britain and planning for some economic independence for America, Lee proposes here an association which would "prefer on every occasion, the manufactures of America, to those of every other country; and to promote with the utmost of our abilities, American manufactures, so far as to furnish ourselves with the necessaries of life." As examples of success along the above lines he points to the manufacture of linen in Ireland and to fishing and manufacturing in Scotland. Manufacturing here, he declares, would make use of small children and the old; of negro children and superannuated field negroes.

Lee modifies his demand for American manufacturing by saying he would encourage it only to the extent necessary, since the loss of the American trade would be ruinous to Britain and "her wounds would be ours." In fact only "the cause of liberty," he declares, could persuade him to contest with them.

75, Ibid.
76, Ibid., Apr. 14, 1768.
77, Ibid.
78, Ibid.
79, Ibid.
"Monitor IX" points to Grenville as the source of most of America's troubles. Lee urges moderation, but for the first time we find recognition of the possibility of war:

It must not be judged from what I have said, that we should resign one atom of our rights...but the direful necessity of doing this, by other instruments than reason, is not yet come, when it does, Heaven only must decide the controversy. 81

In speaking of the declaratory act by which Parliament maintained its right to tax the colonies, Lee says it is without validity:

"Our freedom is what we can neither give up, nor they take from us." 82

Such a declaratory act, he continues, "cannot touch or subvert that constitution, in which its own existence is founded." 83

In the last letter of the "Monitor" series, number X, Lee urges unity of action by the colonies:

It is one common interest, that claims our union, the rights of every colony rest upon the same foundation, and cannot be subverted in one without being overthrown in all. 85

He wisely notes that friends in Britain can he held only if they see America united. The aim of our enemies is to divide us, he charges. He declares that the Parliament had

...changed the oppressive stamp act into a not less oppressive, though more speciously just, duty, on certain British manufactures imported into America...and have endeavoured to enforce absolute obedience to the billeting act, by the suspension of the Legislature in one province. 86

---

80. Ibid., Apr. 21, 1768.
81. Ibid.
82. Ibid.
83. Ibid.
84. Ibid., Apr. 28, 1768.
85. Ibid.
86. Ibid.
Lee expresses himself as being proud of Virginia's
action in sending petitions, memorials, and remonstrances, and he hopes
other colonies will do likewise. Not only does he desire unity among
the colonies but concurrence of the two branches of the legislature and
the backing of that legislature by every individual.

The conclusion of the series reads as follows:

Two things I earnestly wish, that every man may be esteemed in
proportion to his real patriotism, and that I may hail my country free
with my last breath. 88

I have given so much space to the "Monitor" series of
letters because it is the only one of Lee's important pamphlets to ori-
ginate in Virginia, because I feel it is almost as good as anything he
ever wrote again, and because in it can be found the philosophy back of
all his later essays.

87. Ibid.
88. Ibid.
"THE POLITICAL DETECTION"

That the "Monitor" series had been written for Americans is evidenced by their content, their first vehicle of publication, and by the assertion of Lee's biographer. About 1770, Lee began a series of letters signed "Junius Americanus" intended for British consumption. In a letter to a brother, he wrote:

"It is a chance, whether you ever meet with a series of letters signed Junius Americanus in which the enemies of America are chiefly attacked; though to make what was written in defence of the colonies acceptable, it was necessary, now and then, to aim a stroke at characters obnoxious here. It is desirable to make a signature popular; when that is done, I shall be able to write under it with success, which, otherwise, it is extremely difficult to accomplish." 91

(How politically astute is our friend, Dr. Lee?)

Early in 1769 a series of letters signed "Junius" had set "the English political world...agog." Lee chose "Junius Americanus"

90. Ibid. and Dictionary of American Biography, XI, 97.
as his pseudonym and wrote his letters addressed to various British
statemen or to the people of England. Some of these letters were col-
lected in pamphlet form under the title, The Political Detection. It
was lengthy, containing one hundred fifty-one pages, and was marked at
the end "To be continued."

I shall make no attempt to discuss this at the great
length assigned to the "Monitor", since these by "Junius Americanus"
were first published abroad and have no specific relation to the Virginia
scene. Indeed, they are chiefly regarding Massachusetts. Lee was, as
has been mentioned, chosen as an agent of Massachusetts in London largely
on the reputation won by the "Monitor" series of letters.

The first five letters in The Political Detection are
addressed to the E____1 or H_____1, undoubtedly the Earl of Hills-
borough, thus scantily disguised. In these Lee lists the measures which
Hillsborough had recommended or had enforced and declares them to have
been contrary to the interests of England as well as of America. He urges
the Earl's resignation. As head of the Board of Trade and Plantations
Hillsborough has made it the "greatest engine of oppression to commerce,"

93. Ibid.
94. [Lee, Arthur], The Political Detection; On the Treachery and
Tyranny of Administration, Both at Home and Abroad...London, 1770.
96. The Political Detection, pp. 1-24. (Cf. Alvord, Clarence W.,
The Mississippi Valley in British Politics, I, 195-197, for his character-
ization of Hillsborough.)
97. Ibid., p. 7.
98. Ibid., p. 9
sues Lee, who further accuses him of having destroyed in eighteen months the "necessary mutual love and confidence" between Great Britain and America. Lee even descends to distributing personal insults to the Earl's friends and colleagues. Finally, he appeals to the English people to resort "to public justice by the constitutional mode of impeachment, which the Colonists have it not in their power to exercise...."

Letters six through eleven are addressed to Sir F____ B____, whom we easily identify as Sir Francis Bernard. Lee does not in these content himself with accusing Sir Francis of "misrepresenting and embroiling the affairs of America," but he adds to his fire by casting slurs upon Bernard's birth and abilities. Lee gives a detailed explanation of the ways in which Bernard exaggerated disorders in Boston and connived at injustices.

The next seven letters are addressed "To the People of England." Throughout these letters Lee speaks as an Englishman. He urges that both England and America unite in the cause of freedom and warns that arbitrary rule, once established in America, would then fix itself also in England. (This same theme we found in the "Monitor"

99. Ibid., p. 10.
100. Ibid., pp. 11-14.
102. Ibid., pp. 24-64.
103. Ibid., p. 27.
104. Ibid., pp. 24, 25.
105. Ibid., pp. 29-43.
106. Ibid., pp. 64-111.
107. Ibid., pp. 66, 67.
and shall find throughout his works.) Lee urges full redress of grievances and not halfway measures. In Letter No. 14, he writes as follows:

America, viewed in its true light, is a nursery for British Liberty, which it is our interest to preserve inviolable. There, when foreign or domestic force, which must one day happen, shall have triumphed here over the noble struggles of freedom, the desperate survivors may find their liberties and laws preserved from ruin. There the British constitution may rise anew, like a Phoenix from her parental ashes; to glory, strength, and happiness. 109

(In the dark days of 1940 the above words would have seemed prophetic.)

Lee declares that America is combined in opposition to oppression, not against the "just authority of Parliament...nor against the prosperity of Great Britain..." Specifically, he summarizes grievances: American property had been granted away, houses violated, duties imposed, excises laid, Vice-Admiralty courts established, partial judges chosen, and assemblies dissolved. He asks redress.

There are further letters, in similar vein, addressed to the Printer of the Gazetteer, to the American Merchants, and to the "Author of a Late Speech" et cetera. The pamphlet concludes with "A Defence of a Late Protest."

108. Ibid., p. 70.
109. Ibid., p. 79.
110. Ibid., p. 88.
111. Ibid., pp. 99-100.
112. Ibid., pp. 112-137.
113. Ibid., pp. 138-151.
"A TRUE STATE OF THE PROCEEDINGS"

Between 1770 and 1774 there is an interim during which Lee, as a pamphleteer, was silent. Then he published A True State of the Proceedings in the Parliament of Great Britain and in the Province of Massachusetts Bay. The title is a true one; as this indicates, it is a statement of the case. It is thoroughly documented; in fact, two-thirds of it quotes from letters, resolves, et cetera. It begins with November 12, 1761, with the speech of Sir Francis Bernard to both houses of the assembly of Massachusetts Bay and continues through the Petition of February 18, 1774, when the whole House of Representatives of Massachusetts waited upon the Governor for the removal of the Chief Justice, paid by the Crown. Throughout, Lee gives a factual presentation, of course from the side of the people of Massachusetts Bay.

114. [Lee, Arthur], A True State of the Proceedings in the Parliament of Great Britain And In the Province of Massachusetts Bay, Relative to the Giving and Granting of the Money of the People of That Province, and of All America, in the House of Commons, in Which They Are not Represented. London, 1774.
115. Ibid., p. (3).
116. Ibid., p. 36.
It seemed to me well prepared and smoothly written. Again Lee writes
as an Englishman. Speaking in behalf of the Americans he says;

The candid Reader will judge what Causes of Discontent have
been given them, and whether they have operated beyond their natural
Bounds. If they have been particularly unquiet, they have also been
particularly irritated and injured. Imagining ourselves in their Situa-
tion, will, I believe, prevent us from severely censuring their Conduct.

Lee does not, of himself, in this pamphlet, set forth
any constitutional arguments. Of course in quotations from resolutions
and the like such arguments are given. For example, from the Resolution
of the House of Representatives of Massachusetts Bay, in answer to the
Stamp Act we find the following:

That no Man can justly take the Property of another without his Consent;
upon which original Principle the Right of Representation in the same
Body which exercises the Power of making Laws for levying Taxes, one of
the main Pillars of the British Constitution, is evidently founded....

Throughout, Lee is moderate in expression and contents
himself with facts and documentary evidence. Seldom does he intrude him-
self into the picture.

117. Ibid., p. 37.
118. Ibid., p. 5.
"AN APPEAL TO THE JUSTICE AND
INTERESTS OF THE PEOPLE OF
GREAT BRITAIN"

In 1774 Dr. Arthur Lee published his most successful essay, if one can judge by the number of editions. The first edition was published in London in 1774, a second and third there in 1775, a fourth in New York in 1775, and a fourth, corrected, in London in 1776. I used the Fourth Edition, Corrected, in the Library of Congress. I saw in the John Carter Brown Library a first edition, second and third corrected editions, and fourth editions, one of which included Lee's later essay, A Second Appeal.

Edmund C. Burnett considers An Appeal Lee's best essay.

Lee's biographer writes that "Such was the celebrity of his 'Appeal to the English Nation' that it was for a long time, attributed in England, to Lord

119. Torrence, op. cit., p. 74, item no. 420.
120. [Lee, Arthur], An Appeal to the Justice and Interests of the People of Great Britain, In the Present Disputes With America, By an Old Member of Parliament; The Fourth Edition, Corrected. London, 1776.
Ohntbrun. It is feigned to be written by an "Old Member of Parliament."

The fourth edition printed in New York did not include the phrase, "By an Old Member of Parliament" but substituted "By Doctor Lee of Virginia."

The popularity of the essay lay in its timeliness and in its scholarly and logical arguments. In it one finds little of the obvious display of classical learning exhibited in the Monitor's Letters and almost none of the mud-slinging of The Political Detraction. It is the product of a mature, well-informed, self-controlled, and forceful patriot. I should like to treat this work in some detail:

Prefacing his essay, Lee quotes from Sir Edward Coke, Lord Chatham, and Lord Camden regarding the inseparableness of taxation and representation.

He declares the disagreements with America to be dangerous in spite of the fact that there are so many influences and ties to attach the two. He realizes that nations learn from experience, though sometimes the injury in learning is "irretrievable." In the war with the French and Indians the strength of America's attachment to the mother

---

123. An Appeal, p. (2).
124. Ibid., p. (3).
125. Ibid.
country was evidenced, but Lee fears that because of the present "disaf-
fections" help will be feeble in the next war.

He raises two questions: (1) Does Britain have the right

to tax the colonies? (2) Is it expedient?

A fundamental principle of the constitution, practiced as
late as the reign of Henry VI, declares Lee, is that property could be
granted only by oneself or a representative chosen by oneself. To
support this he calls in the law of nature and says this idea of property
is not an invention of Locke nor of the English constitution but goes back


to the days of Rome and "permeated every feudal constitution in Europe."

He quotes accounts to prove this, regarding German states, France, and
Spain. (He gives the sources of his quotations and information. Throughout
Lee appends adequate footnotes.) The same idea exists, he declares,
in the free cities of Brussels, Antwerp, et cetera.

Speaking of the British Constitution, Du Lee continues
along the following lines: Before the Conquest the right of being present

in the great council when grants were made belonged to every freeman.

In the days of Canute "a great many common tenants and a multitude of the

126. Ibid.
127. Ibid., p. 4.
128. Ibid., pp. 4-5.
129. Ibid., pp. 5-6.
130. Ibid., p. 6.
131. Ibid.
132. Ibid., pp. 6-7.
133. Ibid., p. 7.
people" were present to consent. The right to the disposal of property also was incorporated in the Magna Carta. There were no restrictions on freemen in voting for representatives until the time of Henry VI when it was limited to those with a freehold of forty shillings annual value.

When Edward I needed supplies which applied directly to the subjects of Ireland, Parliament was not asked, but the Irish. When Edward I asked the Irish clergy for additional support and was refused, he acceded to their refusal and asked the Irish laity, not the English parliament or army.

Lee's references to Irish-British relations are interesting. Let me quote:

I have been more particular in stating these facts with relation to Ireland, because it is impossible to find a case more exactly similar to that of America. They were both conquered countries, peopled by English subjects. Yet in all the agitation of necessity and passion, and the various expedients it produced, that of imposing taxes upon Ireland in the English parliament was never attempted.

He notes that there are some differences in favor of America: In Ireland conquered people and English were intermixed in part; in America, not so.

The English subjects who settled in Ireland carried with them their rights, not expressed but latent; whereas those of the American settlers were confirmed by charters. As emigration does not dissolve allegiance, neither can it divest rights.

---

134. Ibid.
135. Ibid.
136. Ibid., p. 9.
137. Ibid., p. 11.
138. Ibid.
139. Ibid., p. 15. (Also see footnote no. 71, Chapter V, this paper).
140. Ibid.
141. Ibid.
Regarding Ireland, money was raised in England to defend it; in America
the money was supplied by Americans to defend themselves against the
natives, Canada, Florida and Nova Scotia excepted.

In support of his argument Lee continues to give chapter
and verse from history and adds:

The right of property is the guardian of every other right, and to deprive
a people of this, is in fact to deprive them of their liberty.

The author then turns for a moment from history to the
sentiments of the great: Coke, Locke, Camden. Then he gives his-
torical evidence to prove that, as far as the colonies are concerned, the
right of giving property by their own consent was "consonant with their ex-
istence as colonies." He exhibits Virginia as proof: From 1620 to
1764 she chose representatives who had the power of taxation not by char-
ter but by right, and the same plan existed in every American colony.

Having presented the positive angle of his case, Lee
next proceeds to consider arguments which might be mustered against him:
(1) The people of England are not all represented, yet all are taxed.

---

142. Ibid., p. 16.
143. Ibid., pp. 17-19.
144. Ibid., p. 19.
145. Ibid., p. 20.
146. Ibid.
147. Ibid., p. 21.
148. Ibid., p. 22.
149. Ibid.
150. Ibid., pp. 23-24.
151. Ibid., p. 25.
To this he replies:

If, for example, a tax is laid on Manchester, Birmingham and Sheffield, the same is borne by London, Bristol and York; but let Boston, New York and Philadelphia be taxed, will London, Bristol and York, share in the burthen of the imposition? 152

(2) They say Parliament being the legislature its acts must bind in all cases and so it has the constitutional right to lay taxes. Before it can have such powers, says Lee, it must be constitutionally formed. Regarding Great Britain he considers it so formed; regarding America, no.

The entire essay to this point has considered the right of Britain to tax the American colonists. Lee now considers the wisdom of the policy: "Is it practicable? Is it profitable?" In brief, will the receipts warrant the expense of the collection? He marshals his arguments as follows: (1) Past efforts to collect have proved futile. (2) Five monarchs are hostile to England and desire revenge; assume that America agrees to the right of Parliament to tax her, the while deeply resenting it, what can England expect should war with other powers ensue? "Who is it that thinks we could survive such a stroke? And yet this coercive policy is rendering it as inevitable as fate." (3) If war with America should come, all British discipline and valor would be useless in the "fastnesses and defiles" of America; he calls Braddock's defeat among other illustrations to witness. (4) Should force of arms be used to

152. Ibid., p. 24.
153. Ibid.
154. Ibid. This same idea is developed at length in Bland's Inquiry.
156. Ibid.
157. Ibid., p. 27; also see p. 31.
158. Ibid., p. 28.
coerce America, think of the loss in naval stores, iron, indigo, tobacco, flaxseed, et cetera. Where will Britain get such supplies or find a market for her own goods? (5) How, if America were lost, would Britain supply the deficiency in her tobacco revenue, which amounts to half a million pounds sterling yearly, exclusive of duty?

Lee declares the question is not whether Americans shall contribute but how. He declares they have contributed in the past and as an example lists taxes paid by Virginia, but does not give the year. He notes how deeply in debt the colony of Virginia is thereby and says they are not fit subjects for an additional tax.

No enemy, Lee declares, could have taken more effective means to alienate America from Britain than Britain has herself taken. He urges immediate recall of fleets, armies, and commissioners, the repeal of "obnoxious" laws, and the restoration of America to her place before the "late war." In a footnote he offers the "late resolves of the American congress" as the fairest ground for reconciliation.

Lee gives instances of American obedience in the

159. Ibid., p. 29.
160. Ibid., p. 30.
161. Ibid., pp. 34-35.
162. Ibid., p. 35.
163. Ibid., p. 36.
164. Ibid.
165. Ibid., p. 36a.
past and declares that England's concession now will not abrogate her authority. He reports some of America's grievances with especial emphasis on the tyranny of the Boston Port Bill. He declares America's resistance to be but the action of true Englishmen, "jealous of their liberty."

In conclusion Lee writes:

May the liberties of England be immortal - but may Englishmen ever remember, that the same arbitrary spirit which prompts an invasion of the constitution in America, will not long leave that of England unattacked; and that same corrupt servility in their members, will make them the instruments of the crown in all its attempts. 171

166. Ibid., pp. 37-38.
167. Ibid., p. 37.
168. Ibid., pp. 39-41.
169. Ibid., p. 42.
170. Ibid., p. 45.
171. Ibid., p. 46.
"A SPEECH INTENDED TO HAVE BEEN DELIVERED"

The year following An Appeal Lee published a lengthy pamphlet entitled A Speech Intended to Have Been Delivered in the House of Commons, in Support of the Petition From the General Congress at Philadelphia. In this he attempts, by reiteration of America's grievances and by appeal to the British love of liberty and of gold cash, to sway public opinion in England to demand redress. Standing armies, military government in time of peace, the multiplication of "oppressive" offices, Vice-Admiralty courts, entry of homes without warrant, the dependence of judges upon one part of the legislative body for salaries and the duration of their commission, the subversion of

---

172. [Lee, Arthur], A Speech Intended to Have Been Delivered in the House of Commons, in Support of the Petition From the General Congress at Philadelphia, By the Author of An Appeal... London, 1775.
173. Ibid., pp. 1-2.
174. Ibid., pp. 3-4.
175. Ibid., pp. 4-5.
176. Ibid., pp. 6-9.
177. Ibid., pp. 10-11.
178. Ibid., p. 12.
Massachusetts' charter rights, the inattention of the Crown to the
people's petitions, the frequent dissolution of Assemblies, trial
abroad, the Boston Port Bill, the prohibition of town meetings in
Massachusetts except by the Governor's consent, the Quebec Act, and
the quartering of soldiers in private homes; all these grievances are
analyzed, documented, and annotated at some length.

For almost the first time one finds real sarcasm in Lee's
writing but then only briefly:

Representation is imperfect in Great Britain, therefore it should be
abolished in America. Copyholders do not vote in Great Britain; therefore
freeholders ought not to vote in America. 187

Lee declares that the "original cause of every grievance
and of every violence which has shaken the whole Empire, and is hastening
its destruction, was the taking the property of Americans without their
consent." He adds that "Peace, prosperity, and reconciliation attend
on retraction — division, desolation, and ruin, on perseverance."

Speaking to the pocket-book, Lee reminds the freemen of

179. Ibid., p. 13.
180. Ibid., p. 15.
181. Ibid., p. 21.
183. Ibid., p. 29.
184. Ibid., p. 31.
185. Ibid., pp. 31-32.
186. Ibid., p. 33.
187. Ibid., p. 25.
188. Ibid., p. 56.
189. Ibid., p. 57.
England that revenue freely given flows more copiously than that which is imposed by force. He bewails the fact that just to "establish a supreme power which they have not questioned," commerce and all the desirable connections between America and Britain are threatened.

"When your Laws are just, they will be obeyed; when unjust never" is the gauntlet he throws down as he concludes this rather lengthy essay.

There is a pamphlet entitled *A Speech Never Intended to Be Spoken* which is generally ascribed to Dr. Arthur Lee. I found a copy of this in the John Carter Brown Library. It was not catalogued there as Lee's, and after I had read it, I was convinced it could not have been his unless it were a piece of the most consummate irony. It was entirely contradictory to all of Lee's other writings in argument. One example will suffice:

To this I answer, That, by the constitution, representation is not necessary to taxation; and that, if it was, the Americans are represented. I hardly think such a statement is irony; besides Lee was never subtly ironic and seldom obviously so. I think we may dismiss this pamphlet as other than Dr. Lee's. This explanation, I felt was called for, in view of the bibliographer's listing.

190. Ibid., p. 40.
191. Ibid., p. 46.
192. Ibid., p. 67.
193. [*7*], *A Speech Never Intended To Be Spoken In Answer To a Speech Intended To Have Been Spoken on the Bill for Altering the Charter of the Colony of Massachusetts Bay...* London, 1774.
194. Torrance, *op. cit.* p. 76, item no. 421.
"A SECOND APPEAL TO THE
JUSTICE AND INTERESTS OF THE PEOPLE"

196

A Second Appeal was printed the same year. War had begun.

The worst event that I apprehended from our unhappy difference with our fellow subjects in America, is now come to pass. The civil sword, with all its terrible formalities, is drawn in our colonies. 197

Lee says he had imagined the Americans would acquiesce for a time rather than fight, but that the measures Britain had taken had succeeded in uniting them as one man. He has only praise for Lord Chatham and only harsh indictment of Lord North. The answer by the Assembly of Virginia to North's conciliatory proposal is quoted at length. Lee then enumerates new grievances, every measure

197. Ibid., p. (5).
198. Ibid.
199. Ibid., p. 6.
200. Ibid., p. 8.
201. Ibid., pp. 13-18.
202. Ibid., pp. 18-23.
203. Ibid., p. 23.
of which, he claims, "omened the commencing war." The battles of
Lexington and Concord are briefly reviewed for the reader. (Lee calls
attention in a footnote to affidavits which declare the British to have
fired first.) The siege of Boston and the battle of Bunker Hill also
are given space.

Lee warns the British nation of imminent danger.

He itemizes the probable cost of such a war at over nineteen million pounds
and lists the formidable forces to be overcome in distance, in a united and
resolute enemy, in a foreign terrain, in an already heavy debt, in the need
to hire foreign troops at etara. Lee predicts defeat and the loss of
America with the resulting loss of commerce, to the gain of Spain and
France. It is a grim picture of a nation impoverished and humiliated
before other nations.

The war, warns Lee, "saps the very foundations of con-
stitutional liberty." He rings the changes on the danger Britain is

\[\begin{align*}
204. \text{Ibid., p. 24.} \\
205. \text{Ibid., p. 25.} \\
206. \text{Ibid., p. 28 n. (The question of who fired first is an interest-
ing one. There are two sides to the story. Among others, the following}
gevives both sides: Scott, Arthur P., "The Battle of Lexington", Source Prob-
lems in United States History, pp. 13-54.} \\
207. \text{Ibid., pp. 29-30.} \\
208. \text{Ibid., pp. 35-40.} \\
209. \text{Ibid., pp. 41-42.} \\
210. \text{Ibid., pp. 43-44.} \\
211. \text{Ibid., p. 44.} \\
212. \text{Ibid., pp. 50-51.} \\
213. \text{Ibid., pp. 51-52.} \\
214. \text{Ibid., p. 56.}
\end{align*}\]
incurred from her old enemy, France, and on the dishonor of hiring Hessian and Hanoverian troops.

To the charge that the Americans desire independence, Lee gives a denial; on the contrary, he says, they still desire reconciliation. He feels that constantly holding up the idea of independence is a good way to attract the colonies to it.

Lee’s plan of reconciliation as stated here in the Second Appeal is but a reiteration of his suggestions before: repeal all laws of which the colonies complain; recall fleets and armies; pass "an act of oblivion"; send out responsible governors who will call colonial assemblies immediately; revise the state of trade by removing unjust restraints; and then ask for a grant of supplies from the colonies to contribute to the payment of the national debt. As a result, Lee says, England may expect to regain the respect and confidence of America, to open new sources for industry and enterprise, and to give the Americans a chance to prove the sincerity of their professions by contributing.

Having tried force, "let us try free-will," pleads Lee.

He is not very sanguine over the outcome of his second
appeal, however, for he concludes on a sad note:

I am afraid that good men have nothing now to do, but to weep over, what they cannot prevent - the ruin of their country. 222

During the period 1770-1776 Lee, we realize, was acting as an agent of Massachusetts in London, 223 and it is only natural to believe that this fact colored his writings. Be that as it may, one cannot help feeling that he was sincere in everything he wrote, with the possible exception of some of the letters signed "Junius Americanus." He was certainly painstaking and indefatigable, and if quantity rather than quality seems to characterize his writing, let us give him his due. He deserves his place with Bland, Gann, and Carter. In one respect he deserves as much honor; he was, at least, single in purpose.

222. Ibid., p. 90.
VI.
LOYALIST JOHN RANDOLPH AROUSES
A CONSERVATIVE-AMERICAN.

ROBERT CARTER NICHOLAS.
In 1774 two pamphlets received publication: the first, *Considerations on the Present State of Virginia*, a loyalist plea for moderation on the part of the colonies; and the second, an answer to the first, *Considerations on the Present State of Virginia Examined*. Dr. Swem has edited these. He says that both were issued anonymously in 1774 but that on the title page of *Considerations* the following was written by a contemporary hand: "By John Randolph esq. his majes. attorney genl. of that colony and brother to the speaker of the ho. of assembly who is chairman at the general Congress held at Philadelphia." On the title page of *Considerations...Examined* the name, Robert Carter Nicholas, is written in by hand.

---

2. Ibid., p. 9.
3. Ibid.
A study of the pre-revolutionary political literature in Virginia strikes one forcibly with the paucity of publications by loyalists. Of course, the Reverend John Camm was of that breed, but his pen was sheathed when the clergy were no longer menaced. He remained loyalist to the last, but he "committed no overt act and went unmolested." Considerations by John Randolph seems to stand by itself in urging submission, if necessary, after further overtures to Britain.

Most of the loyalists in Virginia were chiefly Scotch merchants, a few wealthy planter families, or fishermen and small farmers along the Chesapeake. "Of prominent men, of conspicuous office holders, Randolph was almost alone in his attachment to the crown." One prominent loyalist, William Byrd, of Westover, remained quietly at home until his

7. Ibid.
death in 1777; another, Lord Thomas Fairfax, Washington's friend and owner of a great estate in western Virginia, lived undisturbed all through the Revolution. John Randolph had a more bitter fate. He left Virginia early in the Revolution with his wife and daughters, leaving his patriot son, Edmund Randolph and his close friend, Thomas Jefferson. He lived in poverty in England, subsisting on a pension of one hundred pounds granted him by the English government in recognition of his services as attorney-general of Virginia from 1766 to 1775. He died in 1784, never having returned home.

John Randolph's Considerations on the Present State of Virginia seems to be the product of one who feels it his duty to speak his convictions and to urge upon headstrong men, discretion, but who, nevertheless, sees what he considers doom approach inexorably.

The author begins his address to the "rational" public by declaring his faith in the "mixed Principles of Obedience and Freedom, as they stand ingrafted in the English Constitution," and by acknowledging his realization of the danger of losing office and popular approval that one faces who writes as he proposes to do.

---

9. Ibid.
10. Swem, op. cit., pp. 9, 10.
11. Ibid., p. 9.
12. Ibid.
14. Ibid.
15. Ibid.
The vehemence of both sides in the colonial dispute with England makes him fear that its continuation must see the destruction of one or both. Exhibitions of so-called patriotism do not agree with his definition of the term. He feels it consists not in a "separate attachment to any particular Branch, but in the preservation of the several Parts of Government in that Degree of Strength and Vigour which the Constitution intends that each shall enjoy." He details briefly the branches and their uses: king, commons, and lords, and likens the constitution of Virginia to that of England in its division: king’s prerogative, people’s representatives, and the council. The balance in each government is maintained only by equal weight being given all three, he implies.

Randolph fears that the present dispute has already been carried too far, yet he believes it can still be adjusted without "Noise." Parliament claims the right of taxing and regulating American trade. "The first the Americans deny; but the second, I believe, is recognized by the most sanguine Opponents of Parliamentary Authority." The Stamp Act has been repealed after remonstrances, and the tax on tea continues; so he declares, "The End of both Parties is Answered; the Parliament’s in asserting,
the Americans in denying." Why not let it rest? he asks. "The Parliament may enforce, but will never convince the Americans of the Propriety of their Measures. The Americans may argue till Doomsday, but I am afraid that they will find the Parliament deaf to their Reasoning, and their Eloquence unavailing." He figures England superior in force, so the "stubborn must yield." Even so, England has been good to the colonies, he says, giving them protection and being "truly parental" until the recent tax attempts. He urges an end to the dispute.

Interestingly enough, Randolph foresees the ultimate independence of America, but he fears the results if independence should be precipitated now:

...the Parent will probably soon be without a Child, and the Offspring become unable to support itself. So that the great and mighty Kingdom of England, which by its Valour and Commerce has raised itself to an uncommon Degree of Splendour amongst the Potentates of the Earth, is to fall into Ruin; and America, that once hopeful and promising Soil, is to become subject to the Will of some despotick Prince, and be of less Importance than it was whilst in the Hands of the Savages....

In the midst of his pessimism, Randolph finds America and England so allied in commerce, manners, religion, language, and laws that he feels there is a basis for settling disputes, which may prevent weakening both.

24. Ibid., p. 21.
25. Ibid.
26. Ibid.
27. Ibid.
28. Ibid.
29. Ibid.
30. Ibid., p. 22.
31. Ibid., p. 23.
As an American, Randolph personally feels satisfaction at Great Britain's superintendence, her power being a great reliance in time of need. He is just as willing, in all fairness, to admit that the situation in Boston needs attention. The "Tea Party" and the English response to that event are briefly reviewed. He finds both Bostonians and Englishmen at fault. As a solution he suggests two things: (1) Declare publicly that the act of Bostonians in destroying property was illegal and ought not to be countenanced; (2) petition the King, assure him of our attachment, and ask his interposition for a repeal of the acts against Boston. He urges this, for, he reiterates, he believes that a continuation of the dispute may be fatal.

Randolph next considers some particular aspects of the problem in Virginia. He implies that the day of fasting (called for when the Boston Port Bill was announced in Virginia) was a farce. He dislikes the present Association, which not only agrees not to import tea but also not to drink any on hand, as all right in its first demand but harmful to health in its insistence that a habit be stopped so suddenly. He does not see why the Association must extend its prohibitions to other

32. Ibid., p. 24.
33. Ibid., pp. 24-25.
34. Ibid., pp. 25-26.
35. Ibid., p. 27.
36. Ibid., p. 28.
37. Ibid., p. 29.
38. Eckenrode, op. cit., p. 33.
40. Ibid., pp. 30-31.
commodities than tea; he fears a counter-association by Parliament and its resulting effect on American trade. In the proposal to close courts of justice, he sees merchants cut off from their means of collecting debts, with corresponding economic injury to Virginia.

Regarding internal taxation, Randolph admits the Stamp Act truly such, but he says tea is something one is not obliged to buy. He admits that trade restrictions are hard but "is not this one of the Effects of Subordination?" In this subordination he sees the redeeming features of protection and prosperity, though he admits England did not protect us or spend her treasure here except for her own advantage; "...still our Interest is so interwoven with ours, that we ought to look with Horror on any attempt to cause a Separation."

Randolph denies that submission to the tea tax may set a precedent for fixing an internal tax on the colonies. If that were so, he says, there are any number of precedents of that sort in our list of duties. Besides, he cynically remarks, precedent or not, as long as Parliament has power it will lay duties, and when America gets the power to refuse payment she will so refuse.

41. Ibid.
42. Ibid., p. 31.
43. Ibid., p. 33.
44. Ibid., p. 34.
45. Ibid.
46. Ibid.
47. Ibid., p. 35.
48. Ibid., pp. 35–36.
The blame for much of the trouble lies, he feels, in the election of men as representatives who have little to lose in the wreck of the constitution and laws. He urges the election of men of "ability and fortune."

In his concluding paragraphs Randolph gives his philosophy and aim:

I admit, that every Man has a Right to oppose the Means of Injustice; the Law of Nature allows it, the Law of Society demands it, and it is the Birthright of every Englishman to do it. But what I contend for is, that when we make our Complaints we ought to do it in a Manner most likely to obtain Success. The mode of Application for Redress is the Subject on which we differ. Liberty is our Prayer; God grant that we may obtain it.

In the meantime, I hope to enjoy my private Freedom, which is to think for myself; and, at this critical Time, to offer my Sentiments with Regard to the Welfare of this Country, to which I profess myself a devoted Servant.

The pamphlet is refreshingly unadorned with the literary trappings which most of the other authors felt called upon to display. True, it makes its appeal to fear and to the desire for security rather than presents any intellectual interpretation of the British Constitution. It is not idealistic, but its simplicity speaks for its sincerity. One may not agree with Randolph in his plea for appeasement and compromise, but one must respect him for his daring to publish such unpopular sentiments when he felt they pointed a saner course. He realized, one feels sure, the futility of his arguments; he, perhaps, foresaw his exile and poverty,

49. Ibid., p. 36.
50. Ibid., p. 36.
51. Cf. Ibid., p. 37.
but believing separation would produce a worse state than the existing one, he urged - and practiced - his doctrine of submission to the mother country. The essay rises above invective or satire or personalities and has dignity.
"CONSIDERATIONS ON THE STATE OF
VIRGINIA EXAMINED"

The attorney-general's pamphlet was shortly answered by Robert Carter Nicholas, treasurer of the colony, prominent lawyer, member of a powerful and talented family, in character, above reproach. Like Bland he was one of the conservative cliques, a lover of the mother country, but jealous of colonial rights. He was, as a Burgess of long standing, the servant of the colony in all its activities. In addition to his regular duties, he acted on committees of correspondence, was a member of all revolutionary conventions, and participated in the associations to boycott English goods in the hope of bringing Britain to terms.

59. Ibid., p. 11.
60. William and Mary Quarterly, XIII, 65.
In spite of the above revolutionary activities he was almost alone in opposing independence, though he refrained from voting in order to lend a semblance of unanimity when the Virginia Convention instructed its delegates to propose independence to the Continental Congress. Though opposed to such a declaration, Nicholas continued to work actively for Virginia. For example, he served in the Virginia House of Delegates; he was a candidate for the speakership of that House but was defeated by George Wythe; in 1779 he was made judge of the High Court of Chancery; and at the time of his death in 1780 he was on the committee to construct public buildings in Richmond.

Considerations...Examined, being a reply, is less impersonal than the pamphlet it answers. Nicholas does not descend to undignified invective to the extent employed by Bland, Carter, and Carr a decade before, but his arguments are not solely on the merits of the case. He seeks to discredit Considerations, and if a bit of sarcasm or a dig at the writer will help, it is not overlooked. Nicholas apparently believed he knew the identity of the author, for he refers to the latter's presence in the Assembly at a particular time and to his interest in several courts.

---

61. William and Mary Quarterly, XIX, 258.
63. Ibid.
64. Ibid.
65. Ibid.
66. [Nicholas, Robert Carter], Considerations on the State of Virginia Examined, 1774.
67. Ibid., p. 30.
68. Ibid., p. 70.
Considerations...Examined begins by accusing Randolph of bias and of being a "Smutterer in Politics." Then Nicholas answers the arguments one by one. First he denies that disputing the power of Parliament draws into question the King's prerogative. He says he has been "harrowed" in his "very Soul" by the dispute with England, the discord with friends, and worst, the fear that the mind of the sovereign "may have been impressed with Ideas of a Disrespect and Want of Loyalty in his Subjects," while, in reality, Nicholas declares, there is nowhere such warm feeling toward "his sacred Person and Government" as in America. Later on he quotes "The King can do no Wrong."

In reply to Randolph's suggestion that the act of the Bostonians in destroying the tea should be declared illegal and that then the King should be petitioned for redress, Nicholas says he is not ready either to justify or to condemn the Bostonians until he knows the whole story. He declares his abhorrence of all destruction of property but says he can also understand an act of oppression which would justify any act for security on the part of the sufferer. Whether the Bostonians were in such an extremity or not, he cannot determine. That does not prevent him, he says, from forming an opinion on the proceedings of Parlia-

---

69. Ibid., pp. 39-40.
70. Ibid., p. 41.
71. Ibid.
72. Ibid., p. 42.
73. Ibid., p. 43.
74. Ibid., p. 42.
75. Ibid.
76. Ibid.
largely responsible for the repeal of duties the following year with the exception of that on tea. The present association, he feels, will be of a better spirit in the face of force.

The history of the tea tax in Parliament is next traced. Nicholas does not believe in the avowed intention of the tax on tea, but rather sees in it a dangerous ulterior motive:

The Question I would ask is this: if either a commercial Regulation or the general Revenue, and not the establishment of a President against America, had been the Object of Parliament, why might not so much, at least, of the old Duty, as was thought sufficient to answer their American Purpose of barely raising Money, have been continued? This would have given no Uneasiness; the Expense and Trouble of collecting the Duty in America and remitting the Surplus, if any should arise, to the Receipt of his Majesty's Exchequer in England would have been saved. The proper Answer to the Question will shew the Design of Parliament, and, at the same Time prove what the Company had in View by sending the Tea to America.

To Randolph's excuse that the Gaspee affair necessitated the trials abroad, Nicholas takes exception: He condemns the Gaspee incident, but he denies that one deed in Rhode Island called for such retribution, and he treats of the horrors of being sent abroad for trial.

Returning to the question of Boston, Nicholas declares that, contrary to Randolph's statement, every town in Massachusetts will feel the ill effect of the Boston Port Bill. He feels that it is but a matter of self-preservation on the part of other colonies, as well as of

84. Ibid., p. 74.
85. Ibid., p. 74.
86. Ibid., pp. 48-49.
87. Ibid., pp. 49-50.
88. Ibid., pp. 53-54.
89. Ibid., p. 58.
justice and virtue, to use every "legal and proper Means" to save a sister

colony from ruin. Only those guilty of "supposed Offences at Boston" are

subject to penalties, he insists, and "those only, of the Laws then in

Force." Many perfectly innocent persons, he declares, are oppressed by

the act.

Nicholas pronounces the Boston Port Act unconstitutional, though many precedents are urged abroad. He proceeds to enumerate two of the more prominent: In the Reign of Charles II London was fined when Dr. Lamb was killed by unknown persons, and in the Captain Porteus' affair, Edinburgh was fined. He answers with arguments used by the Americans in their petition against the Port Bill: In the case of London, the crime was in a walled city in daytime, and the case was tried before a regular court of law which returned a verdict; in the case of Edinburgh, the crime took place "within gates." Each city, by charter, had the whole executive power itself; time was given to act, and they were heard in their own de-

fense. But, Nicholas points out, in the case of Boston, no time was al-

lowed: the Bostonians were not heard; Boston was not a walled town; and the act was not committed in it. (So speaks the lawyer.)

90. Ibid., p. 60.
91. Ibid., p. 63.
92. Ibid., p. 64.
93. Ibid.
94. Ibid.
95. Ibid., p. 65.
96. Ibid.
97. Ibid.
Like Bland, some years before, Nicholas implies the difference between Parliament's right and its power. He urges none to speak of the "Omnipotence" of Parliament and the necessities of state, since such contradict "a more transcendent Authority." He declares that if might makes right, he must drop his pen.

He feels that Randolph's prognostication that America will someday become independent will add to the alarm in Britain. He says the present severe measures arise from fear of American independency, in spite of disclaimers.

Debts should be discharged immediately, if possible, Nicholas agrees, in justice to creditors even if they do not help to relieve oppression.

How anyone can object to the non-importation plan, he cannot see: As a free man one has the right to buy or to import or to refrain. He hopes stopping imports will be enough to effect results, but if that fails, he says he will regret not stopping exports as well. Nicholas hopes such prohibitions on the part of Americans will result not in violence but in a demand on the part of people in Britain for a return

---

98. Ibid., p. 66.
99. Ibid.
100. Ibid., p. 67.
101. Ibid., p. 68.
102. Ibid., p. 71.
103. Ibid.
104. Ibid., p. 72.
to the exercise of constitutional authority.

Meantime he urges Americans to stop importing, to turn their hands to manufacturing and to raising things for export to other markets and so raise money to pay off their debts. Thus, at least, they would be guiltless of not attempting to pay. He says he realizes there has been insinuation that the colonies wished to avoid payment of debts. This, he declares to be without foundation. That some have been in debt for years, he does not deny, but he declares his belief that the chief old balances have been paid.

In replying to John Randolph's criticism of the day of fasting, Nicholas becomes almost eloquent. This is not surprising in view of the fact that it was he who had presented the resolution in the Burgesses. In fact the House had delayed the resolution one day in order to persuade Nicholas to present it. The aims of such a fast day, Nicholas says, were to make people think seriously, consider their conduct, refrain from violence, and realize what was owing to one's fellowmen and remember a "superior Power, even a GOD IN HEAVEN" to whom it would be acceptable.

105. Ibid.
106. Ibid., p. 73.
107. Ibid.
108. Ibid.
109. Ibid.
110. Ibid.
111. Eckenrode, op. cit., p. 33.
112. Nicholas, op. cit., p. 81.
The essay concludes with an expression of the desire of the author for "perfect Reconciliation" and the hope that both America and Great Britain may enjoy "constitutional Freedom and Liberty".

The pamphlet is not especially notable. It is really more interesting as a sidelight on the character of its author than as a landmark in the political literature of the day.

Robert Carter Nicholas and John Randolph had a common aim: reconciliation, but the former was unwilling to resort to appeasement.

Just as an interesting aside, one notes that in 1778 John Randolph's son, Edmund, and Robert Carter Nicholas' daughter, Elizabeth, married.

113. Ibid., p. 83.
VII
THOMAS JEFFERSON GIVES
"A SUMMARY VIEW OF
THE RIGHTS OF BRITISH
AMERICA"
"A SUMMARY VIEW OF THE
RIGHTS OF BRITISH AMERICA"

How more appropriately might one close this survey
of the pre-revolutionary pamphlet literature of Virginia than with an
examination of an essay by probably her most brilliant son, Thomas Jeff-
1
erson? A Summary View of the Rights of British America was written to
the members of the Virginia Convention by Jefferson who, though a delegate,
2
could not attend because of illness.

After the Burgesses had resolved upon a day of fasting
for the date on which the Boston Port Bill was to go into effect, Gover-
3
nor Dunmore dissolved the Assembly. This was in May, 1774. The Bur-
gesses simply retired to the Raleigh Tavern, proceeded with their business,
set up a boycott association, proposed a general colonial congress to meet

1. Jefferson, Thomas, A Summary View of the Rights of British America
Set Forth in Some Resolutions Intended For the Inspection of the Present
Delegates of the People of Virginia, Now in Convention.
2. Ibid., "Preface of the Editors".
4. Ibid.
in Philadelphia in September, 1774, and called a convention of the Virginia colony for August, 1774. It was, of course, to the latter convention that the remarks of A Summary View were addressed. The August Convention marked "the actual beginning of the Revolution in Virginia." It was this convention which elected delegates to the Continental Congress; among those chosen were some of our pamphleteers: Peyton Randolph, Richard Bland, and Thomas Jefferson.

A Summary View proved of wide interest: The first Williamsburg edition was reprinted in Norfolk and in Philadelphia; a second edition was printed in Williamsburg and reprinted in London.

"Tribunis," from his remarks an Englishman, inserts an introduction to the second edition, urging upon Britain the wisdom and justice of agreeing to the demands of the American colonies. He adds his voice in urging the King to grant redress, and he predicts that the American colonies will consider that "a favour now, which hereafter they will claim as their right." (one asks, could "Tribunis" have been Dr. Arthur Lee? The words smack of his style.)

The main text of A Summary View begins as follows:

5. Ibid.
6. Ibid., p. 34.
7. Ibid., p. 35.
8. Ibid.
9. Torrence, op. cit., pp. 73-74, item No. 418.
11. Ibid., p. xv.
Resolved, that it be an instruction to the said deputies, when assembled in general congress with the deputies from the other states of British America, to propose to the said congress that an humble and dutiful address be presented to his majesty, begging leave to lay before him, as chief magistrate of the British empire, the united complaints of his majesty's subjects in America; complaints which are excited by many unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon those rights which God and the laws have given equally and independently to all.\(^{12}\)

Jefferson urges that the address be written without servility so that it may really ask rights and not favors. He declares the King to be only the "chief officer of the people, appointed by the laws, and circumcised with definite powers, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendence."

The above illustrates the difference in the attitude of the younger Jefferson and the older, more conservative Bland and Nicholas. Neither of the latter ever gave the King feet of clay or presumed to speak of him so boldly. All of their criticisms were leveled at the Parliament. Jefferson here places the burden of responsibility for redress directly in the King's lap, and later in the essay charges him with acts of omission and commission of serious import.

Taking a leaf from Richard Bland, especially, Jefferson considers the origin and first settlement of the colonies. He de-

---

\(^{12}\) Ibid., pp. 5-6.
\(^{13}\) Ibid., p. 6.
\(^{14}\) Ibid.
\(^{15}\) Ibid., pp. 30-40.
clares our ancestors to have been free inhabitants of British dominions in Europe, with the right, given by nature to all, of leaving the old and going to a new country, there to establish new societies under such laws as were best for public happiness. (Natural right and public happiness were to be similarly stressed in the Declaration of Independence.) He finds a precedent in the immigration of Saxon ancestors to Britain.

The same idea found in several other pamphlets already discussed, namely, that the settlement in America was not at the expense of the British public, is emphasized. True, Jefferson says, money was lent America in the war against the French who threatened to draw off Great Britain's commerce, but England had lent similar aid to Portugal and other allied states without expecting their submission to the creditor.

As in the Inquiry, so here we find a statement of the ideal place of the Crown in the union of England and her colonies:

That settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws under which they had hitherto lived in the mother country, and to continue their union with her by submitting themselves to the same common sovereign, who was thereby made the central link connecting the several parts of the empire thus newly multiplied.

Jefferson asserts the natural right of the American

16. Ibid., p. 7.
17. Ibid., pp. 7-8.
18. Ibid., p. 8.
20. Ibid., pp. 9-10.
colonies to free trade with all parts of the world. He documents his assertion with the fact that on March 12, 1651, through the commissioners of the Commonwealth and the Virginia burgesses, it was "expressly stipulated...that they should have 'free trade as the people of England do enjoy to all places, and with all nations, according to the laws of that commonwealth.'" That several acts during the reign of Charles II restricted the trade of the colonies, Jefferson admits. He declares, however, that these acts "show what hopes they might form from the justice of a British parliament, were its uncontrolled power admitted over these states." Bodies of men, as well as individuals, he says, may be tyrannical (an idea Dr. Arthur Lee proclaimed in his Monitor's Letter No. 3 many years before).

Jefferson continues with a discussion of former trade restrictions and their hurt to America, and he mentions also the prohibitions on domestic manufactures. After a few further illustrations of such acts he declares that the "true ground on which we declare these acts void is, that the British parliament has no right to exercise authority over us." He says he has hastened through earlier violations of colonial rights because they were rarer and came at long intervals, but now

21. Ibid., p. 12.
22. Ibid., p. 13.
23. Ibid.
24. Ibid.
25. Ibid.
27. Ibid., p. 15.
28. Ibid., p. 17.
they come thick and fast. He charges that this "Series of oppressions ...prove a deliberate and systematic plan of reducing us to slavery," and he mentions the long array of abhorrent acts.

Shall 160,000 electors in Britain, he asks, control four million in America, "every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength"? (This also has the ring of the future Declaration's, "All men are created equal....")

The next few pages of A Summary View are given over to a discussion of the Boston Port Bill, the tea tax, and its results, with an insistence that if the offenders are guilty, they should be tried by their own courts. The author considers the act to suppress riots which allows trials of suspects overseas and enlarges on the injustice and horror of such trials. At one point the remarks become really seething regarding...

...the partial representations of a few worthless ministerial dependents, whose constant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of the British knighthood....

Without trying to get proof of the guilty, they have reduced the whole
town of Boston to "beggary," the ultimate aim being the destruction of that city, Jefferson charges.

The View urges that his Majesty recommend the revocation of the acts. Jefferson goes into the conduct of the Sovereign. He declares the King has the right of veto, though such a right has not been used for ages, and he urges its revival to prevent passage of such arbitrary acts. Realizing the danger inherent in this suggestion, Jefferson hastens to add that the use of this veto power in such instances will not excuse its "wanton exercise" on American legislatures. This wanton use he illustrates by saying it has already been so used to forbid any act of an American legislature to prohibit the importation of slaves or the levy of high duties which would so prohibit, "thus preferring the immediate advantages of a few African corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice." One interested individual, accuses Jefferson, can prevail on the King over a whole country's interest.

Further evidences of the King's neglect are enumerated: His Majesty has let laws lie idle, neither confirming nor annulling:

37. Ibid., p. 27.
38. Ibid., pp. 27-28.
39. Ibid., p. 28.
40. Ibid., p. 29.
41. Ibid.
42. Ibid., p. 30.
he has insisted on the suspending clause which makes immediate and necessary legislation impossible; he has instructed the Virginia governor to allow no county to divide unless the new county consents to have no representatives; he has dissolved assemblies for other than rightful reasons; he has sent here armed forces, not raised by colonial laws; and he has not subjected the military to the civil authority. (All these grievances later find their place in the Declaration.)

When rightful legislative bodies are dissolved, the people have a right to assemble in person or by their deputies, explains Jefferson. "Kings," he grows so bold as to declare, "are the servants, not the proprietors of the people."

In concluding, Jefferson affirms the general desire to remain part of Britain:

It is neither our wish nor our interest, to separate from her. We are willing, on our part, to sacrifice every thing which reason can ask, to the restoration of that tranquility for which all must wish. On their part, let them be ready to establish union and a generous plan.

One cannot help believing, after a reading of A Summary

---

43. Ibid.
44. Ibid., p. 31.
45. Ibid., pp. 32-33.
46. Ibid., p. 33.
47. Ibid., p. 40.
48. Ibid., p. 34.
49. Ibid., p. 42.
50. Ibid., pp. 42-43.
View, that it played its part in pointing to Thomas Jefferson as the logical man to write the Declaration of Independence almost two years later. In the face of the international acceptance of the latter paper as one of the greatest of all the documents of liberty and as representative of the best in the literature of its day, any further evaluation of A Summary View would seem superfluous.
Looking back upon this survey of political pamphlets in Virginia during the years, 1750-1775, one realizes that one man’s influence, more than that of any other, permeates the whole group: that of Richard Bland. Those pamphlets not his bear his stamp. His name is not a by-word in American history, but it is interesting to speculate on the possibility that he influenced the course of that history to a greater extent than his fame would indicate. — But, that is another thesis.

As far as the majority of the pamphlets reviewed are concerned, one understands why they have been accumulating dust for almost two centuries. Even so, one does not regret having studied any one of them. By means of them the years 1750-1775, in Virginia and throughout the colonies, afforded some candid camera shots, if such a modern figure is permissible, of a scene one had always hitherto viewed as a panorama.

51. One, Arthur Lee’s Essay in Vindication of the Continental Colonies in America had most of its pages still uncut until I used it.
BIBLIOGRAPHY

I. PAMPHLETS

A. ORIGINALS

1. Bland, Richard, A Letter to the Clergy of Virginia in Which the Conduct of the General-Assembly Is Vindicated Against the Reflections Contained in a Letter to the Lords of Trade and Plantations from the Lord-Bishop of London. Printed by William Hunter, Williamsburg, 1760. (This was used in the Library of the Boston Athenæum.)

2. [Carter, Col. London], A Letter to the Right Reverend Father in God, the Lord Bishop of London, Occasioned by a Letter of his Lordships to the Lords of Trade, on the Subject of the Act of Assembly Passed in the Year 1758, Intituled, An Act to Enable the Inhabitants of This Colony to Discharge Their Public Dues, etc. In Money for the ensuing Year from Virginia. Printed in Virginia and Reprinted in London, 1760. (This was used in the Library of the Boston Athenæum.)

3. Carter, London, The Rector Detected: Being a Just Defence of the Two-Penny Act, Against the Artful Misrepresentations of the Reverend John Corso, Rector of York-Hampton, in His Single and Distinct View. Containing Also a Plain Confutation of His Several Hints, As a Specimen of the Justice and Charity of Colonel London Carter. Printed by Joseph Royle, Williamsburg, 1764. (This was used in the Library of the Boston Athenæum. Later, a typed copy was found in the Virginia State Library.)

5. [Jefferson, Thomas], A Summary View of the Rights of British America Set Forth in Some Resolutions Intended for the Inspection of the Present Delegates of the People of Virginia, Now in Convention. Williamsburg, Printed by Clementina Rind; London, Reprinted for G. Kearley, at No. 46, near Serjeants Inn, in Fleet Street, 1774. (This was used in the Virginia State Library.)

6. [Lee, Dr. Arthur], An Appeal to the Justice and Interests of the People of Great Britain, in the Present Disputes With America, By an Old Member of Parliament: The Fourth Edition, Corrected. London: Printed for J. Almon, Opposite Burlington-House, in Piccadilly, 1776. (This was used in the Library of Congress.)

7. [Lee, Dr. Arthur], An Essay in Vindication of the Continental Colonies of America from a Censure of Mr. Adam Smith in His Theory of Moral Sentiments. With Some Reflections on Slavery in General. By an American. London: Printed for the Author. Sold by T. Becket and P.A. De Hondt, in the Strand, 1764. (This was used in the John Carter Brown Library.)

8. [Lee, Dr. Arthur], The Political Detection or the Treachery and Tyranny of Administration, Both at Home and Abroad, Displayed in a Series of Letters, Signed Junius Americanus. London: Printed and Sold by J. and W. Oliver, No. 12, in Bartholomew Close, near West-Smithfield, 1770. (This was used in the home of the Virginia Historical Society.)

9. [Lee, Dr. Arthur], A Second Appeal to the Justice and Interests of the People on the Measures Respecting America. By the Author of the First. London: Printed for J. Almon, Opposite Burlington-House, Piccadilly, 1775. (This was used in the Library of Congress.)
10. [Lee, Dr. Arthur], A Speech Intended to Have Been Delivered in the House of Commons, in Support of the Petition from the General Congress at Philadelphia, By the Author of an Appeal to the Justice and Interests of Great-Britain. London: Printed for J. Almon, Opposite Burlington-House, in Piccadilly, 1775. (This was used in the John Carter Brown Library.)

11. [Lee, Dr. Arthur], A True State of the Proceedings in the Parliament of Great Britain and in the Province of Massachusetts Bay, Relative to the Giving and Granting the Money of the People of That Province, and of All America, in the House of Commons, in Which They Are Not Represented. London, Printed; Philadelphia: Reprinted by Joseph Cruikshank, in Market-Street, between Second and Third Streets, 1774. (This was used in the John Carter Brown Library.)

12. [Randolph, Peyton], A Letter from a Gentleman in Virginia to the Merchants of Great Britain Trading to That Colony. London, 1754. (This was used in the John Carter Brown Library.)

13. [Randolph, Peyton], A Letter to a Gentleman in London from Virginia. Williamsburg, Printed by William Hunter, 1759. (This was used in the home of the Virginia Historical Society.)

14. A Speech Never Intended to be Spoken in Answer to a Speech Intended to Have Been Spoken on the Bill for Altering the Charter of the Colony of Massachusetts Bay, Dedicated to the Right Reverend the Lord Bishop of St. A London: Printed for J. Enos, in the Strand, 1774. (This was used in the John Carter Brown Library.)

B. PHOTOSTATIC COPIES OF ORIGINALS


2. [Garn, Rev. John], Critical Remarks on a Letter Ascribed to Common Sense Containing an Attempt to Prove That the Said Letter is an Imposture on Common Sense With a Dissertation on Drownness as the Cruel Cause of That Imposition. Printed by Joseph Royle, Williamsburg, 1785. (Photostatic copy in the Virginia State Library; original in the British Museum.)


C. TYPED FROM THE ORIGINAL


D. EDITED REPRINTS


E. ORIGINAL NEWSPAPER EDITION OF LATER PAMPHLET


II. NEWSPAPERS

1. Virginia Gazette, Mar. 7 and 14, 1766. Published by Alexander Purdie, Williamsburg.


III. OTHER PRIMARY MATERIALS - EDITED


IV. SECONDARY MATERIALS


10. Grigsby, Hugh Blair, The Virginia Convention of 1776, A Discourse Delivered before the Virginia Alpha of the Phi Beta Kappa Society in the Chapel of William and Mary College, in the City of Williamsburg, on the Afternoon of July the 3rd, 1855, J.W. Randolph, Richmond, Virginia, 1855.


13. Lee, Richard Henry, Life of Arthur Lee, L.L.D., Joint Commissioner of the United States to the Court of France, and Sole Commissioner to the Courts of Spain and Prussia, During the Revolutionary War. With His Political and Literary Correspondence and His Papers on Diplomatic and Political Subjects, And the Affairs of the United States During the Same Period, Vol. I. Wells and Lilly, Boston, 1829.


20. "Proceedings of the Virginia Committee of Correspondence, 1764," The Virginia Magazine of History and Biography, Vols. IX, X, & XII.


VITA

Mary Thompson Clary (nee Mary Carter Thompson) was born November 3, 1907, in Richmond, Virginia. She attended the Richmond public schools, graduating from John Marshall High School in February, 1925, and from the Richmond Normal School two years later. She has taught since February, 1927, in the Richmond schools. At present she teaches in the Albert H. Hill Junior High School.

Courses in the summer schools of the University of Richmond (1928), the University of Virginia (1929), and the College of William and Mary (1934, 1935, 1937, 1938), followed by a fall semester at the last named college, completed undergraduate work. The A.B. degree was conferred by the College of William and Mary in 1939. Graduate work has been done at the University of Richmond during the summer sessions of 1939, 1940, and 1941.