

2. Associations, The People, Committee of Observation and Inspection and the Culture of Rights, 1774 – 1776

1. *Prolegomena*

The 1770s were extraordinary times in British North America and historians have grappled ever since to understand them. Brilliant studies of the intellectual underpinnings of the times, of the ideological origins in particular, have enriched our knowledge.¹ In depth analyses of committees of correspondence and other groups and committees in towns all over America have helped us to understand the nature of “revolutionary politics” both on the local,² colonial³ and trans-colonial⁴ level. At the same time this excellent scholarship has enhanced our awareness of the deficiencies of our understanding and knowledge.

The most fundamental problem that keeps intriguing scholars is the nature of the involvement of “the people” in the Revolutionary process. Is it, as current scholarship still suggests, really true that “the people” are only visible through their representatives in the Provincial Congresses and the Continental Congress? That they participated only through electing delegates to these congresses? Or that they spoke only through the mouthpiece of a few brilliant authors like John Dickinson, John Adams, and

¹ cf. notes 3 and 6, and Paul A. RAHE, *Republics Ancient and Modern. Classical Republicanism and The American Revolution*. Chapel Hill, NC 1992; Richard M. GUNMERE, *The American Colonial Mind & the Classical Tradition. Essays in Comparative Culture*. Cambridge, MA 1963; Morton WHITE, *The Philosophy of the American Revolution*. New York 1978; Frank KELLETER, *Amerikanische Aufklärung. Sprachen der Rationalität im Zeitalter der Revolution*. Paderborn 2002.

² Richard D. BROWN, *Revolutionary Politics in Massachusetts. The Boston Committee of Correspondence and the Towns, 1772 – 1774*. New York 1976; Richard A. RYERSON, *The Revolution is Now Begun. The Radical Committees of Philadelphia, 1765-1776*. Philadelphia, PA 1978.

³ Stephen E. PATTERSON, *Political Parties in Revolutionary Massachusetts*. Madison, WI 1973; Larry R. GERLACH, *Prologue to Independence. New Jersey in the Coming of the Revolution*. New Brunswick, NJ 1976; Edward COUNTRYMAN, *A People in Revolution. The American Revolution and Political Society in New York 1760-1790*. Baltimore, MD 1981; Woody HOLTON, *Forced Founders. Indians, Debtors, Slaves & the Making of the American Revolution in Virginia*. Chapel Hill, NC 1999.

⁴ Merrill JENSEN, *The Founding of a Nation. A History of the American Revolution, 1763-1776*. New York 1968; Robert MIDDLEKAUFF, *The Glorious Cause. The American Revolution, 1763-1789*. Oxford 1982.

Thomas Jefferson and that what we consider “revolutionary” was essentially an “intellectual” process? What did “the people” know – beyond what we read in newspapers and pamphlets? Timothy Hall Breen has brilliantly suggested that goods carried political meanings to the women and men in the streets, townships, villages, and frontier huts.⁵ Breen’s study stops in 1774; only one other study deals with the role of the “people” in the crucial period from May 1774 until the first military clashes in April 1775 at Lexington and Concord. The author argues forcefully for the crucial impact of the “coercive Acts” on quickening the revolutionary process;⁶ he at the same time focuses on the important role of local committees as enforcing agencies of not only the boycott of trade but also law and order in the colonies.⁷ But even in this study “the people” are visible only through their committees; what “the people” thought remained a mystery; next to nothing is known about “the people” as actors in the exciting time between April 1775 and July 1776.

In recent years scholars have asked what people read and how they read and coped with it. Fascinating theories about the meaning of signs, of pauses in texts abound.⁸ A simpler question that precedes these theories will inform the argument of this paper: Did texts exist that related to the revolutionary process that all colonists had to read, cope with, and understand? And if so, which messages did these texts transport, what meanings did they have and what were the consequences of their existence? How did these texts affect the revolutionary process and how did it affect the lives of the people? My discussion of these problems will be exclusively based on sources composed or at least approved of by inhabitants of towns, counties or colonies or their elected representatives. In discussing these problems I will suggest new approaches to the age old problem of the role of “the people” in the revolutionary process; I will conclude that the years 1774 – 1776 are meaningful because in these years a new people and a new nation were born.

2. The collapse of colonial governments

In 1774 and 1775 all the colonies were faced with the same problems: The politics of the English government and the collapse of the colonial governments. On 24 December 1774 Virginia’s governor curtly noted in his letter to Lord Dartmouth: “I can as-

⁵ Timothy H. BREEN, *The Marketplace of Revolution. How Consumer Politics Shaped American Independence*. Princeton, NJ 2004.

⁶ David AMMERMAN, *In the Common Cause. American Response to the Coercive Acts of 1774*. Charlottesville, VA 1974.

⁷ AMMERMAN, *In the Common Cause*, chapter 8.

⁸ Jay FLIEGELMAN, *Declaring Independence. Jefferson, Natural Language, & the Culture of Performance*. Stanford, CA 1993; Pauline MAIER, *American Scripture. Making the Declaration of Independence*. New York 1997.

sure your Lordship, that it [i.e. government] is entirely disregarded, if not wholly overturned.”⁹ In early June 1775 Dunmore for his own security retired to a British navy vessel; Virginia was without an established executive from then on.¹⁰ Other colonies shared similar experiences: In mid-November 1774 New Hampshire’s governor wrote Lord Dartmouth: “I cannot flatter myself with any reasonable hopes of the legal establishment of powers of Government in this Province, until they are effectually restored in the Massachusetts Bay;“ governments both in New Hampshire and in Massachusetts were by then non-existent.¹¹ Even Georgia’s Governor Sir James Wright joined the chorus. In early June 1775 he complained to Thomas Gage that “... Governors had much better be in England than remain in America, and have the mortification to see their powers executed by Committees and mobs.”¹² Table 1 summarizes the data on the time sequence of the *formal* retreat of governors from the colonies. These dates should not be misunderstood as those on which the individual colonial governor lost all his power and influence. That had happened months earlier. It took the governors considerable time to accept defeat and retire to their private residences (John Penn, William Franklin) or take refuge in British navy ships anchored in Portsmouth, Boston, New York, or Charleston.

The collapse of colonial governments reflected the intention of colonists; certainly in Massachusetts the Whigs left no stone unturned to prevent the establishment of the government by Thomas Gage under the new acts passed by the English Parliament in the spring of 1774.¹³ In almost every colony courts were stopped: According to Dunmore by September 1774 “Courts of justice [are] expiring one after another; and where there is no other reason for not suffering them, it is, that the Judges of the Inferiour Courts, as well as the Justices, are under the Governour’s influence by the new Acts, though the said Acts don’t take place, as no juries till next month”.¹⁴ On the other hand colonists were afraid that the collapse of government and the closure of courts would cause chaos and disorder. In December 1774 the Provincial Congress of Maryland admonished its constituents to maintain “peace and good order”.¹⁵ At

⁹ Peter FORCE (ed.), *American Archives: Consisting Of a collection Of Authentick Records, State Papers, Debates, And Letters And Other Notices Of Publick Affairs ...*, 4th ser., 6 vols., Washington D.C., 1837-1853, vol. 1, p. 1061-1063 (cited henceforth as AA 4th Ser. vol. 1, p. 1061-1063)

¹⁰ AA 4th Ser. vol. 2, p. 1197.

¹¹ AA 4th Ser. vol. 1, p. 981-982.

¹² AA 4th Ser. vol. 2, p. 1110.

¹³ BROWN, *Revolutionary Politics in Massachusetts*, p. 199-210.

¹⁴ AA 4th Ser. vol. 1, p. 767-768 Dunmore to Dartmouth 2 September 1774, *ibid.*, p. 775, Report from Virginia Provincial Congress; resolves by the Provincial Congress of Virginia 25 March 1775, *ibid.*, vol. 2, p. 168-169; by the Provincial Congress of Maryland, 8-12 December 1774, *ibid.*, vol. 1, p. 1031-1032; by the Provincial Congress of South Carolina 11-17 January 1775, *ibid.*, vol. 1, p. 1113; by the Provincial Congress of New Hampshire 30 June 1775, *ibid.*, vol. 2, p. 1180

¹⁵ AA 4th Ser. vol. 1, p. 1031-1032.

Darien, Georgia, in early January 1775 the inhabitants appointed a Committee whose duty it was to seek the “preservation of peace and good order, and the safety of individuals and private property”.¹⁶ For many other Provincial Congresses that of New Hampshire in January 1775 advised the inhabitants to “avoid all unnecessary law suits, and endeavour to settle disputes between you in the most amicable and least expensive manner.”¹⁷

Table 1

Formal retreat of Governors from the Colonies, 1775-1776

Colony	Type of colony	Governor	Date
Massachusetts	Charter	Thomas Gage	16 May '75
Virginia	Crown colony	Earl of Dunmore	8 June '75
North Carolina	Crown colony	Josiah Martin	10 July '75
New Hampshire	Crown colony	John Wentworth	24 August '75
Pennsylvania	Proprietor	John Penn	5 September '75
Delaware	Proprietor	John Penn	5 September '75
South Carolina	Crown colony	Lord William Campbell	15 September '75
New York	Crown colony	William Tryon	1. October '75
New Jersey	Crown colony	William Franklin	7 January '76
Georgia	Crown colony	Sir James Wright	11 February '76
Maryland	Proprietor	Robert Eden	16 April 76

The collapse of government and the stoppage of courts particularly for civil cases affected most colonists.¹⁸ Deprived of the usual administrative machinery while faced with the formidable demands and power of the home government, colonists began to resort to those pre-parliamentary institutions designed to recapture delegated powers and reform what they thought corruption had deformed: the association of the people. With the beginning of the parliamentary reform movement, forming “associations” had become the popular cry in England.¹⁹ Associations in both England and in Revolutionary North America represented compacts for a particular cause or political program. Signing the compact or, as it was usually called, “association”, implied, that the signer was bound to observe all stipulations of the “association”. The Continental

¹⁶ AA 4th Ser. vol. 1, p. 1136-1137. (12 January 1775)

¹⁷ AA 4th Ser. vol. 1, p. 1180-1182.

¹⁸ At least in some colonies criminal cases continued to be dealt with by courts at least as long as a Governor was signing writs for constituting courts of Oyer and Terminer. Such courts tried cases in New Jersey as late as September 22, 1775, when the Salem County Court of Oyer and Terminer sat, see “Minutes of the Salem County Court of Oyer and Terminer, September 22, 1775,” New Jersey State Archives, Court of Oyer and Terminer, Minutes, Salem County.

¹⁹ Eugene C. BLACK, *The Association: British Extraparliamentary Political Organization, 1769 – 1793*. Cambridge, MA 1963; Edmund S. MORGAN, *Inventing the People. The Rise of Popular Sovereignty in England and America*. New York 1988, chaps. 9-10.

Congress agreed in late October 1774 on just such an “Association” to enforce the trade boycott against England as well as a new economic policy designed to foster the production and consumption of American-made products and enforce price discipline.²⁰ Usually this “Continental Association” is considered the only compact discussed in the revolutionary context. Only occasionally other associations are mentioned.

3. Forming Associations of the People, 1774-1776

Beginning with the formation of an Association by members of the Virginia House of Burgesses in late May 1774, between 1774 and late 1775 Associations were formed in every colony of British North America, except for Rhode Island:

Table 2

Associations May 1774 – July 1775

	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	Apr.	May	June	July
VA	1			1					1						
MA		1													
NC						1						1		1	
PA					1								3		
CT									1	1					
GA									1						1
NH									1						
NY									1			1	1	1	
NJ													3		
DE													1	1	
SC														1	
MD															1
Total	1	1	0	1	0	1	0	0	5	1	0	2	8	4	2

These twenty-six associations fall into three distinct categories: Associations that were binding on the whole colony – that of the Virginia Convention from early August 1774²¹, of the North Carolina Provincial Congress of 3 April 1775²², that of the Provincial Congress of New York of 4 May 1775²³, that of the Provincial Congress of New Jersey of 31 May 1775²⁴, that of the Provincial Congress of South Carolina of 3 June 1775²⁵ and that of the Provincial Congress of Georgia of 13 July 1775²⁶ – those

²⁰Worthington Chauncey FORD (ed.), *Journals of the Continental Congress, 1774-1789*. 34 vols., Washington, DC 1904-1937, vol. 1, p. 63-73, p. 115-121 (henceforth cited as JCC, vol. 1, p. 63-73, p. 115-121).

²¹ AA 4th Ser. vol. 1, p. 686-688.

²² AA 4th Ser., vol. 2 , p. 266-270

²³ AA 4th Ser., vol. 2 , p. 471

²⁴ AA 4th Ser., vol. 2 , p. 690.

²⁵ AA 4th Ser., vol. 2 , p. 897

that bound the inhabitants of a particular township or county and finally associations of particular social groups – a fine example is the “Association signed by Ladies of Edenton, North Carolina, October 25, 1775” or that of the butchers of Philadelphia of October 1774 who vowed until May 1775 not to purchase or butcher any “Ewe Mutton or Lamb”.²⁷

Of special interest are those Associations that claimed the attention of all the inhabitants of a colony. The Provincial congresses were quite clear: The text of the Association had to be distributed to all the townships, counties, and villages and submitted in various forms to all the people in the colony. The names of all colonists who refused to sign were to be returned by the Committees of Observation and Inspection to the Provincial Congresses.²⁸ These conditions suggest that the texts of these associations were most likely the only documents all male inhabitants of a colony had been familiar with. If nothing else, these documents informed them about the nature of the conflict, the issues at stake, the goals to be achieved and the future envisioned. These are the key texts of the revolutionary process. Enforcing them represents, so I will argue, the essence of what the revolutionary process and the creation of a revolutionary people is all about.

4. The arguments of the Associations

The arguments of the Associations reflect the developments between June 1774 and early autumn 1775: The first Association of more than local significance, that of the Boston Town Meeting of June 8, 1774, mirrors the preoccupation with the economic consequences of the “coercive acts”; the text binds the signers to economic measures designed to cut off trade with England until the coercive acts are repealed.²⁹ The Boston Committee distributed the text throughout the colony, asked that it be signed in all townships and that committees be elected to supervise the enforcement of the Association. On August 1, 1774, the Virginia Provincial Convention suggested a much more elaborate economic compact. In its Association the Convention recommended that local committees be elected to enforce the stipulations of the Association; merchants who refused to sign or who broke the Association were to be considered “persons as inimical to this country, and break off any connection and all dealings with them”.³⁰ It is this Association of the Virginia Provincial Convention that probably served as the model for the Continental Association passed by the Continental Con-

²⁶ AA 4th Ser., vol.2, p. 1551-1552.

²⁷ AA 4th Ser., vol. 1, p. 891-892, p. 1050-1051.

²⁸ See below n. XXX

²⁹ AA 4th Ser., vol. 1, p. 397-398.

³⁰ AA 4th Ser., vol. 1, p. 686-688.

gress on October 20, 1774.³¹ This Association proved such a success that it inspired Loyalists in New York to copy the measure.³²

The success, at the same time, broadened and changed the focus of the Associations formed in 1775: They now became purely political compacts: Associators vowed to “defend the liberties and privileges of America, as well natural as constitutional”³³, they swore to “support and carry into execution whatever measures may be recommended by the Continental and our Provincial Congresses, for defending our Constitution and preserving the same inviolate”, and promised to “support the Magistrates and other civil officers in the execution of their duty, agreeable to the laws of this Colony; and to observe the directions of our Committee, acting according to the Resolutions of the aforesaid Continental and Provincial Congresses”³⁴. In early June 1775 the “good citizens” of South Carolina simply “solemnly engag[ed], that whenever our Continental or Provincial Councils shall decree it necessary, we will go forth and be ready to sacrifice our lives and fortunes to secure her freedom and safety”;³⁵ Cumberland County, New York, promised to defend “the Bill of Rights and a fundamental principle of the British Constitution which is ‘that no person shall have his property taken from him without his consent’”³⁶; and finally, an assembly of citizens at Broad Creek, Delaware swore “to preserve and strictly enforce and carry into execution whatever measures have or may be recommended by them for the relief of our said brethren, and for the preservation of the liberties of America.”³⁷

Many texts of Associations mention “rights and liberties” as well as “the Bill of Rights” and the fundamental principles of the “Constitution” be it British or otherwise, that needed to be maintained and defended. The terms and phrases they used were obviously household words which everyone understood. But what is most striking in these Associations is something else: the paucity of political theory, concepts, or simply political statements on the one hand and the stress on the other hand most Associations put on accepting and following the suggestions and demands of the Continental and Provincial Congresses and on maintaining a “firm union”. Throughout

³¹ For a careful comparison of the Virginia Association with the Continental Association see Robert L. SCRIBNER (ed.) *Revolutionary Virginia. The Road to Independence*. 7 vols., Charlottesville, VA 1773-1783, vol. 2, p. 104-105.

³² Cf. the Proposal for an Association by Brigadier General Timothy Ruggles, that was published in the Boston papers on December 22, 1774, AA 4th Ser., vol. 1, p. 1057-1058; and Association of the inhabitants of the township of Reading in County Fairfield, Connecticut, that was published in Rivington’s paper in January 1775, AA 4th Ser., vol. 1, p. 1259.

³³ Association of the militia officers of Kent County in Delaware, May 25, 1775, AA 4th Ser., vol. 2, p. 704.

³⁴ Association of the Provincial Congress of New Jersey, May 31, 1775, AA 4th Ser., vol. 2, p. 690.

³⁵ Association of the Provincial Congress of South Carolina, June 3, 1775, AA 4th Ser., vol. 2, p. 897.

³⁶ Cumberland County (New York) Committee, Sitzung vom 6. Juni 1775, AA 4th Ser., vol. 2, p. 918-919.

³⁷ Association concluded by an Assembly of citizens at Broad Creek, Delaware, 20 June 1775, AA 4th Ser., vol. 2, p. 1032-1033.

the land Associators expressed a fundamental trust in institutions as either directly or indirectly elected bodies of the people that would define the right measures and paths to be followed.

These Associations were the result of negotiations between inhabitants of towns, freemen and freeholders of counties or members of Provincial congresses. In all cases the documents reflect compromises between people whose conflicting views had to be trimmed down to statements that could be shared and defended by all concerned. The Associations represented efforts to garner maximum support; they often reflect the mean between widely varying political attitudes. There is considerable evidence that these negotiations resulted in serious conflicts in townships as well as counties. At Newtown in Fairfield County, Connecticut, for example one faction of the town had rejected the Continental Association and published that rejection in James Rivington's paper; on 13 February 1775 the other faction of the Town responded with the publication of an Association that decried the "several Acts passed by the late British Parliament relative to North-America" as "very unconstitutional and oppressive nature in their tendency, directly subversive of those precious rights and privileges to which the Colonies have an indubitable claim."³⁸ In other regions the Associations reflected the tensions between ethnic groups of the population. Four days after the Georgia Provincial Congress had accepted the Association for the whole colony originally passed by Gentlemen from Savannah, that Congress expressly resolved: "That it be strongly recommended to the friends of America in this Province, that they use their utmost endeavours to preserve peace and good order, and to cultivate harmony with one another, and always to avoid national reflections, which can only tend to produce divisions and jealousies among the inhabitants".³⁹

The need to formulate texts that met with the approbation of the largest possible number of inhabitants had another consequence: it served to tone down the critique of the English government to a few standard formulas. Thus in early January 1775 the inhabitants of Darien in Georgia confessed to be "greatly alarmed at the avowed design of the Ministry to raise a Revenue in America, and shocked by the bloody scene now acting in the Massachusetts Bay"; in their Association they vowed to oppose "the execution of the several arbitrary and oppressive Acts of the British Parliament".⁴⁰ The inhabitants of Portsmouth in New Hampshire omitted any critique of the mother country; they simply confessed to be motivated by a "sense of the inestimable value of constitutional liberty". Association for them served primarily the purpose of maintain-

³⁸ Resolution of an Assembly of Inhabitants of Newtown in Fairfield County, Connecticut, 13 February 1775, AA 4th Ser., vol. 2, p. 1135.

³⁹ AA 4th Ser., vol. 2, p. 1554.

⁴⁰ AA 4th Ser., vol. 1, p. 1136-1137.

ing law and order in the town.⁴¹ On the same day the Gentlemen of Fairfax County, Virginia, were satisfied with the very unspecific and general reasons that they felt „[T]hreatened with the destruction of our ancient Laws and Liberty, and the loss of all that is dear to British subjects and freemen, justly alarmed with the prospect of impending ruin.”⁴² Similarly, in early May 1775 the Provincial Convention of New York basically just copied the text of the Darien Association.⁴³

In order to ensure maximum support, the texts of the Associations had to be kept in simple terms that spoke to the hearts and pockets of the people: “Raise a Revenue,“ “subjecting them to the payment of taxes imposed without the consent of the people or their Representatives”, “their claim to tax us”⁴⁴ were such arguments, that were used in a significant number of texts. A number of Associations stressed the need to maintain order and prevent chaos – a concern that spoke to all property-holders. The Darien Association, which New York copied, proclaimed as its aim “the preservation of peace and good order, and the safety of individuals and private property”; at Portsmouth the Associators agreed to “defend and protect each other from mobs, riots, or any other unlawful attack whatsoever” and similar concerns informed the Associators of New York, of Newark in New Jersey, of Cumberland County, New York, of the District of Wilmington in North Carolina and of Georgia.⁴⁵ The Associators of New Jersey were determined “to guard against those disorders and confusions to which the peculiar circumstances of the times may expose us.”⁴⁶

The texts of these Associations defined the personal characteristics of those who were good or bad and in doing so described the characteristics of the future republican nation: Already the Boston Association of June 8, 1774 differentiated between inhabitants who had but the public interest at heart and those “miscreants” “preferring their own private interest to the salvation of their own perishing country” who “evidence a disposition inimical to, or criminally negligent of, the common safety”⁴⁷. The Delegates to the Virginia Convention of early August 1774 modestly claimed to be motivated by “those sacred ties of honour and love to our country”. Those who they believed would obey the demands of the Associations were in their mind inhabitants who would “cheerfully and cordially accede thereto”; these were “well-wishers of the Colony” in contrast to “those who may attempt, through motives of self-interest,

⁴¹ AA 4th Ser., vol. 2, p. 251

⁴² AA 4th Ser., vol. 1, p. 1145-1146.

⁴³ AA 4th Ser., vol. 2, p. 471.

⁴⁴ AA 4th Ser., vol. 2, p. 471, vol. 1, p. 350-351, vol. 2, p. 615-616.

⁴⁵ AA 4th Ser., vol. 1, p. 1137; vol. 2, p. 251, p. 471, p. 505, p. 918-919, p. 1030, p. 1551-1552.

⁴⁶ AA 4th Ser., vol. 2, p. 690.

⁴⁷ AA 4th Ser., vol. 1, p. 397-398. Those who refuse to accept the Association are described as “miscreants in the Association signed by inhabitants at Broad Creek, Delaware on June 20, 1775, AA 4th Ser., vol. 2, p. 1032-1033.

to obstruct our views” and such were to be published to the world as “such person or persons as inimical to this country”.⁴⁸ The Associators of Darien, Georgia, of New York County, New York and of Georgia “associate under all the Ties of Religion, Honour, and Love to our Country”⁴⁹. About the same time the Associators confessed themselves to be deeply “impressed with a sense of the inestimable value of constitutional liberty”⁵⁰, while the Gentlemen of Fairfax County pictured themselves as “firmly determined at the hazard of our lives, to transmit to our children and posterity those sacred rights to which ourselves were born”⁵¹. The people of Newark and of Acquackanonk, Essex County, both in New Jersey, associated “with hearts perfectly abhorrent of slavery”⁵². Not to be outdone the people of Chester County, Pennsylvania, confessed that they “have the virtue to refuse obedience to laws and measures destructive to the best rights and liberties of America” who “cannot be so far negligent of our own happiness as totally to neglect providing for our common safety” and therefore associated to fight to the last.⁵³ Nobly the inhabitants of Westmoreland County, Pennsylvania claimed they felt “the indispensable duty of every American, of every man who has any publick virtue or love for his Country, or any bowels for posterity, by every means which God has put in his power” to associate.⁵⁴ The inhabitants at Broad Creek, Delaware, finally associated “for the preservation of the liberties of America” and promised that “any artful or designing person or persons whatsoever, that shall attempt to defeat the purpose of this Association, shall be faithfully painted in their proper colours, and be hung up in the publick prints or be otherwise stigmatized and bear the load of odium that such miscreants justly merit.”⁵⁵

The American people are, so these texts suggest, virtuous, hardy, conscious of their rights, love privileges, rights and constitutions, for which they fight to the last, disobey tyrants, pursue only the publick interest, and unselfishly think not only about themselves but care for the welfare of their posterity too. Those who do not subscribe to these values are “inimical to the liberties”, are to be driven out of the country, will be, so the Delawarians promise, “hung up in the publick prints or ... stigmatized and bear the odium ... such miscreants justly merit”. These are the contours of the self-image of those rebellious colonists that were about to cut their ties to England and

⁴⁸ AA 4th Ser., vol. 1, p. 686-688.

⁴⁹ New-York, April 29, 1775, A general association, agreed to, and subscribed by the freeholders, freemen, and inhabitants of the city and county of New-York. Published: [New York: Printed by John Holt, 1775] [New York, N.Y.] Evans 14339; AA 4th Ser., vol. 1, p. 1136-1137.; vol. 2, p. 471.

⁵⁰ AA 4th Ser., vol. 2, p. 251.

⁵¹ AA 4th Ser., vol. 1, p. 1145-1146.

⁵² AA 4th Ser., vol. 2, p. 505.

⁵³ AA 4th Ser., vol. 2, p. 588-589.

⁵⁴ AA 4th Ser., vol. 2, p. 615-616, and report in in *The Pennsylvania Gazette* Nr. 2433, 9 August 1775.

⁵⁵ AA 4th Ser., vol. 2, p. 1032-1033.

declare themselves to be a nation of their own. The texts of these Associations define not only the value system of this new nation but how that nation was to perceive itself in contrast to the enemy. That these self-perceptions are couched in simple, noble terms of common political and moral parlance strikes me as natural and further proof that these texts were written for the acceptance and consumption of all colonists and not just for the few. Everyone could identify with these values and this self-perceived image.

These Associations were the blue-prints designed to bridge the time from the collapse of the old colonial governments to the institution of the new governments by and of the people. Their enforcement was as much a matter of life and death as the maintenance and support of a constitution would be for a nation.

5. Getting the Association signed by all

Enforcement starts with getting people acquainted and involved with the measure to be enforced. Thus the Association sent out by the Boston Committee on June 8, 1774, explicitly stated “that after this covenant has been offered to any person, and they refuse to sign it, we will consider them in the same light as contumacious importers, and withdraw all commercial connection with them forever, and publish their names to the world”⁵⁶. A month later the Virginia Convention resolved with respect to her Association that “it is recommended to the Deputies of the several counties, that Committees be chosen in each County by such persons as accede to this Association, to take effectual care that these Resolves be properly observed, and for corresponding occasionally with the general Committee of Correspondence in the City of Williamsburg.” In case merchants and traders refused to abide by the rules of the Association the respective “Committee is required to publish the truth of the Case in the Gazettes, and in the county where he or she resides; and we will hereafter consider such person or persons as inimical to this country, and break off any connection and all dealings with them.”⁵⁷ On April 29, 1775, according to a newspaper report the Association of the city and county of New-York was immediately “transmitted for signing to all the Counties in the Province, and signed by most of the men in the City.”⁵⁸ On May first the Committee of the City resolved “[T]hat a Sub-Committee of four members for each Ward be appointed to offer the Association without delay to the inhabitants of this City and County, and that they take down the names of such as shall not sign the Association and report their name to this Committee.”⁵⁹ A few days later the Associa-

⁵⁶ AA 4th Ser., vol. 1, p. 397-398.

⁵⁷ AA 4th Ser., vol. 1, p. 688.

⁵⁸ AA 4th Ser., vol. 2, p. 471.

⁵⁹ AA 4th Ser., vol. 2, p. 470-471.

tion arrived at Westchester County where a “Committee then signed an Association, similar to that which was signed in the City of New-York; and appointed Sub-Committees to superintend the signing of the same throughout the County.”⁶⁰ A broadside published and dated May 15, 1775 informed the inhabitants of New York city and county “that copies of the Association be lodged at the following places in the respective wards of this city” and urged inhabitants “to make their Subscriptions as speedily as possible, as Returns of all such as decline it, are to be made to the Committee.”⁶¹ The Associations agreed upon by the Provincial Conventions of New Jersey⁶², South Carolina⁶³ and Georgia⁶⁴ contained similar provisions.

Minute Books of Committees of Inspection and Observation on the county and local level suggest that these bodies went to surprising lengths in order to get everyone to sign the Association: The case of John Saunders, a young man of at least some means, is an early and particularly impressive example: John Saunders had been present at the meeting of a “respectable number of Freeholders for Princess Ann County, Virginia,” in July 1774 which chose delegates to the first Virginia Provincial Convention and agreed on the text of an Association which had been signed by all present except John Saunders, although some “principal Gentlemen” of the county had urged him to sign. The freeholders of the county were again called together on August 16, in order to discuss and sign the Association approved of by the Provincial Convention in early August. Again Saunders attended, “yet he constantly persisted in his refusal to accede thereto.” When the Continental Association was presented to him for his signature, he “likewise refused, alleging that the way of proceeding was illegal”. This was reported to the Committee of Observation of the County on January 5, 1775. The Committee dispatched a sub-committee of three to visit Saunders “at his house”, asked him to retract his words that the proceeding of the Continental Congress “was illegal” and get him to sign the two Associations. The sub-committee reported back that Saunders had refused to talk to them as members of the Committee; had they come as “private gentlemen”, he had added, he would have willingly given them his reasons for his refusals. The implication was that he considered the Committee illegal, too, to which he therefore owed no obligations. Not easily discouraged the Committee now asked a “Mr. Hunter, one of his most intimate acquaintances” to press Mr. Saunders one more time to join the ranks of the Gentlemen of the County. He

⁶⁰ AA 4th Ser., vol. 2, p. 529.

⁶¹ Broadside: New-York, Committee-chamber, May 15, 1775. Resolved, that copies of the Association be lodged at the following places in the respective wards of this city ... Published: [New York : Printed by John Holt, 1775] Evans 14329.

⁶² AA 4th Ser., vol. 2, p. 690.

⁶³ AA 4th Ser., vol. 2, p. 897.

⁶⁴ AA 4th Ser., vol. 2, p. 1551-1552.

seemed to be successful. Saunders signed: “but behold! at the end of his name he added the negative *no*, with a capital **N**!” Enraged by this “contempt” Saunders was asked to appear before the Committee to justify and explain his behaviour – which he refused to do. On March 7, 1775, the Committee condemned Saunders as an enemy to the liberties of America.⁶⁵ One last example: The Committee of Observation for Wilmington, North Carolina, resolved that its Committee members carry the text of the Association agreed upon on March 6, 1775, personally into each house of the town and solicit the signature of the householder.⁶⁶ Should any refuse, and eleven of them did, then the Committee resolved to publish the following notice in the colonial newspaper: “Resolved and agreed, That we will have no trade, commerce, dealings, or intercourse whatsoever with the above mentioned persons or any others connected with them, or with any other person or persons who shall hereafter violate the said association, or refuse to subscribe hereto; but will hold them as unworthy of the rights of freemen and as inimical to the liberties of their country, and we recommend it to the people of this colony in particular, and to the Americans in general, to pursue the same conduct.”⁶⁷

This was more than just the standard declaration recommended by the Continental Congress. Not only was that person declared to be “inimical to the liberties of their country” but more seriously was declared “unworthy of the rights of freemen” – in effect thus at least threatened to be stripped of all his political rights.⁶⁸ This is in line with developments since the Continental Congress had published the Continental Association in late October 1774. In the eleventh article of the Association the Congress had recommended that those who broke the Association were to be declared “enemies of America” with whom all commercial and social contacts were to be severed until the condemned had admitted his or her guilt. But this intended punishment the Congress had applied *only* to breaches of the boycott and other economic measures spelt out in the text of the Continental Association. The Wilmington declaration went far beyond the Continental Association. Most towns, counties or Provincial Congresses did not go so far but simply declared that non-signers’ names were to be reported (as in the case of New Jersey) or be declared enemy of the country. In both

⁶⁵ AA 4th Ser., vol. 2, p. 76-77.

⁶⁶ William L. SAUNDERS (ed.), *The Colonial Records of North Carolina*. 30 vols., Raleigh, NC 1886-1914, vol. 9, Pt. 2, p. 1096-1097.

⁶⁷ SAUNDERS (ed.) *The Colonial Records of North Carolina*, vol. 9, Pt. 2, p. 1152; the Committee of Observation of Newburgh, NY, on May 15, 1775, passed a very similar resolve but without the suggestion that the person be stripped of its rights as a citizen. But non-signers were to be declared enemies of American liberties with which all connections were to be cut, AA 4th Ser., vol. 2, p. 606-607.

⁶⁸ The General Committee of Charleston on June 28, 1775 declared John Doran, who had exported goods to St. Augustine contrary to the Continental Association, not only “an Enemy to the Liberties of America” but too as “unworthy of the Rights of Freemen”, *The South Carolina Gazette & Country Journal*, No. 502, 11 July 1775, p. 3.

cases these stipulations exercised tremendous pressures on those who felt ill at ease with the political development. Not signing implied the risk of losing all business and having eventually to leave the country. It is therefore not surprising that in some colonies a high percentage of the men signed the associations. Thus in New Hampshire only 9,5% of all men refused to sign the Association; in some New York Counties the percentage of the non-signers was even lower. In Frederick County, Maryland, on the other hand, 19% of the men between 16 and 50 years were reported as non-signers, and over half the men in Dutchess County and all the inhabitants in Hempstead Town in Queens County refused to sign the association.⁶⁹ The figures nevertheless demonstrate the extremely wide circulation of the texts of these Associations. Signers as well as non-signers could not avoid becoming intimately acquainted with these texts and their contents.

6. The creation of Committees of Inspection and Observation

The Continental Congress had secondly recommended that the colonies elect on the local, regional, and colonial level committees whose duty it was to supervise the enforcement of the Association. That recommendation was taken up by the colonies. By the summer of 1775 it is safe to say that these committees were functioning in all British colonies. Provincial Conventions or Congresses had met in all of them. On all three levels these newly elected institutions had pushed the revolutionary process a decisive step *beyond* what the Continental Congress had resolved and recommended: As the analysis of the text of the Associations agreed to and entered into in all colonies (except Rhode Island and New Hampshire⁷⁰) plainly shows the Committees ex-

⁶⁹ The lists of signers and non-signers in New Hampshire are published in Nathaniel BOUTON et al. (ed.), *Provincial and State Papers*. 40 vols, Concord, NH 1867- 1943, vol. 8, p. 204-296; for the data on New York cf. Hermann WELLENREUTHER, *Von Chaos und Krieg zu Ordnung und Frieden. Die Amerikanische Revolution 1775-1783*, appendix, in print; for the data for Frederick County, Maryland, see *Journal of the Committee of Observation of the Middle District of Frederick County* in: *Maryland Historical Magazine* 11, 1916, p. 50-66, p. 157-175, p. 237-260, p. 304-321, vol. 12, p. 1917, 10-21, here vol. 11, p.248-260.

⁷⁰ It is not quite correct to say that New Hampshire did not pass an Association. The Provincial Convention of that colony on January 25, 1775 agreed to write a letter to all the inhabitants in which it informed them that the Convention had adopted the Association of the Continental Congress. In addition the Convention formulated eleven principles that added features to the Continental Association that were either related to the particular economic and social concerns of the colony or of a political nature. The most important were: "1st That you discountenance and discourage all trespasses and injuries against individuals and their property, and all disorders of every kind; and that you cultivate and maintain peace and harmony among yourselves. 2nd That you yield due obedience to the Magistrates within this Government, and carefully endeavour to support the laws thereof....4th That you endeavour particularly to enforce the laws of the Province against Hawkers, Pedlars and Petty Chapmen....10th That, as your enemies are using every art to impoverish and distress you, in order to induce submission to their arbitrary mandates, you carefully shun those measures which may have a tendency to distress your brethren and fellow-sufferers, and avoid all unnecessary law suits, and endeavour to settle disputes between you in the most amicable and least expensive manner. That all debtors exert themselves in discharging their just

tended the system of covenants and associations into the political realm proper and through both linked the two spheres.

The freemen and freeholders had no doubt that their delegates in the Committees of Observation as well as in the Provincial Congresses enjoyed the privilege to make their resolves binding and enforce them.⁷¹ There existed a division of labour between the two institutions that resulted from the simple fact, that the Committees of Observation were practically permanent institutions while the Congresses met only from time to time. The Continental and the Provincial Congresses defined the guidelines and framework within which the local and regional committees were to function. Since these committees, however, were much closer to the “people” and thus much more subject to its scrutiny, dependence on the Provincial and Continental Congresses was often rather loose. More than the congresses the Committees expressed and mirrored the concerns of “the people”.⁷²

Judging from the advertisements in colonial newspapers and from other evidence, between November 1774 and spring 1775 Committees of Observation were founded in many counties, townships, and villages. Thirty Seven Committees from different Massachusetts Townships advertised either individually or together with another Committee in the *Boston Gazette and Country Journal*,⁷³ and twenty-eight Connecticut Committees inserted advertisements in the *Connecticut Courant*.⁷⁴ A look at the *Pennsylvania Gazette* yields similar figures for Pennsylvania and New Jersey. By the end of 1775 in Virginia “at least forty-six counties and three towns had committees.”⁷⁵ In North Carolina six counties and two towns founded committees.⁷⁶ These are very preliminary figures. There are indications that only in regions dominated by Tories like parts of New York and parts of the backcountries of South and North Carolina such committees were not founded.

debts, and all creditors exercise such lenity as their circumstances will admit of.” AA 4th Ser., vol. 1, p. 1180-1182.

⁷¹ See section V below for documentation.

⁷² See below the decision of the Lancaster County Committee of Observation, note 189.

⁷³ In the succession as they appear they are: Shrewsbury, Marshfield, Sudbury, Plymouth, Boston, Marblehead, Eastham, Sturbridge, Charlestown, Cambridge, Weston, Concord, Easton, Ashburnham, Barnstable, Wrentham, Petersham, Rehoboth, Swanzey, Rochester, Pownallborough, Abington, Waltham, Newtown, Cumberland, Medway, Bellingham, Hopkinton, Holliston, Mendon, Uxbridge, Upton, Granby, Hatfield, Stockbridge, Chatham, and Watertown.

⁷⁴ In the succession as they appear they are: Hartford, East Windsor, Hebron, Farmington, New Britain, Goshen, New Haven, Mansfield, Litchfield, Wethersfield, Killingworth, Hartland, Fairfield, New Milford, Harwinton, Norwich, Waterbury, Simsbury, Windsor, Sharon, New Fairfield, Hanover, Lebanon, Plainfield, Cornish, Kent, Danbury, and Westfield.

⁷⁵ Larry BOWMAN, *The Virginia County Committees of Safety, 1774-1776*. In: VMHB 79, 1971, p. 322-337, quotation from p. 323.

⁷⁶ Rowan County, Wilmington, New Bern, Halifax County, Chowan County, Cumberland County, Pitt County, Tryon County.

7. *The “invisible” activities of the Committees of Observation*

There are two ways to look at the functions of these Committees: The one is to analyze their activities as they are reported in their minutes. The other is by looking at the Committees from the point of view of their visibility. Let me briefly deal with those activities that remained invisible because they were not made public. Most of the time of Committees of Inspection and Observation in larger port towns like New York, Philadelphia, or Baltimore was taken up with controlling incoming ships and making sure that their loads conformed to the Continental Association.⁷⁷ The Committees of Observation outside port towns had different concerns. The Committee of Observation for Elizabeth Town, New Jersey, in its first session on December 6, 1774, established some procedural rules gleaned from those of the New Jersey Assembly and defined some areas of concern – enforcing the Continental Association, investigating those who spoke “reproachfully of the Grand Congress of America, or of the Rights and Liberties of the Americans” and dealing with “any Offence against the Liberties of America”. At the instigation of Jonathan J. Dayton Esq. they immediately resolved to investigate the charge that a “certain Mr. Gummersall ... did lately ... very contemptuously and disrespectfully” speak of “the Grand Congress of America, and of the Rights and Liberties of the Americans in General”.⁷⁸ The Committee concluded that the charge was justified but decided that Gummersall’s remarks were more the “effect of Ignorance and Inexperience than any settled plan of Opposition”; it admonished Gummersall to be in future more circumspect.⁷⁹ In the same session the Committee decided to deal with the moral issue of “horse racing and cock-fighting” raised by the Continental Association, and with people who “should rise the Price of Bricks in Consequence of the Non Importation Agreement”. The committee decided, too, to “discountenance all disorderly or tumultuous Meetings of the Populace”; in the same meeting it recommended to the inhabitants not to purchase any product of the New York printer James Rivington, whom they styled “a vile Ministerial Hireling Employ’d to disunite the Colonies and Calumniate all their measures entered into for the Public

⁷⁷ New York City Committee of Observation Minutes, 26 April 1775 – 16 February 1776, Peter FORCE Collection, Series VIII D, Reel 53, Library of Congress; Philadelphia (Pa.) Common Council. Committee of Inspection and Observation Minutes, 1774, Historical Society of Pennsylvania, Am. 3079; Baltimore County Committee of Observation and Inspection, 1774 – 1776. microfilm M 11723, Special Collections, Peter FORCE Collection, MSA SC 4391. Some of the problems relating to political attitudes in these large port towns were taken up by other committees, see for Philadelphia RYERSON, *The Revolution is Now Begun*; for Baltimore Ronald HOFFMAN, *A Spirit of Dissension. Economics, Politics, and the Revolution in Maryland*. Baltimore, MD 1973, pass., and for New York Joseph S. TIEADEMANN, *Reluctant Revolutionaries. New York City and the Road to Independence, 1763-1776*. Ithaca, NY 1997, pass..

⁷⁸ Minutes of the Proceedings of the Committee of Observation in Elizabeth-Town, Dec. 6th 1774 – April 17th 1775, Call # 10720, Revolutionary War Manuscripts, New Jersey State Archives, entry sub 6 Dec. 1774.

⁷⁹ *Ibid.*, entry sub 19 Dec. 1774.

Good.”⁸⁰ The most important other problem the committee had to deal with resulted from the consequences of its decision of February 13, 1775, “to break off all Trade Commerce Dealings and Intercourse whatsoever with the Inhabitants of State Island until they shall join the general Association”⁸¹. Merchants pressured the Committee repeatedly to revise this resolution in response to Staten Island merchants’ insistence on having contracts concluded prior to February 13 fulfilled.

The minutes of the Elizabeth-Town Committee break off in April 1775, before the news of the armed clashes at Lexington and Concord had arrived. This news resulted in another rush to found committees of observation, among them the Committees of Observation for the Middle District and Elizabeth Town District of Frederick County, Maryland. The one for the Middle District resolved in its first meeting on 12 September 1775 to ask George Stricker, a member of the Committee, and two Gentlemen of the District, to “raise a Minute Company” and appointed thirty five Gentlemen “to hand about the Association in the different districts, and to take an account of such as refuse to sign it.” The committee concluded too, to summon two inhabitants who, so they were informed, had “reflected upon, and upraided in the most indecent Language, such as have enrolled themselves and mustered.” Two other inhabitants were likewise summoned “to show what foundation they had for saying that Messrs. Booth, Cary & Edelen had attempted to blow up the Magazine.”⁸² The two who had used foul language apologized at a later meeting and were discharged; those who had accused Booth, Cary, and Edelen were found to spread unfounded rumours and forced to apologize to the three gentlemen.⁸³ In this as in almost all other cases the committee tried to avoid publicly branding those accused of misdeeds. While the committee continued to investigate “suspicions of being unfriendly to America”, it continued its policy of either admonishing the accused person or of requesting them to post bond for future good behaviour.⁸⁴ In general this as well as its sister committee for Elizabeth-Town spent, however, much more time on organizing militia companies, ensuring that those who had signed the Association would sign the muster rolls and those who had refused to sign the Association be fined sums between £ 2 and 10 Maryland currency.⁸⁵

⁸⁰ Ibid.

⁸¹ Ibid., entry sub 13 February 1775. That resolution was, too, published in the Connecticut Courant, 20 February 1775, p. 3.

⁸² Journal of the Committee of Observation of the Middle District of Frederick County, Maryland, in: Maryland Historical Magazine 10, 1915, p. 305-306.

⁸³ Ibid., vol. 10, 1915, p. 307, p. 307-308 (16 October 1775).

⁸⁴ Ibid., vol. 11, 1916, p. 320-321.

⁸⁵ The Minutes of the Committee of Observation for Elizabeth-Town District are published in: Maryland Historical Magazine, vol. 12, 1917, p. 142-163, p. 261-275, p. 324-347, vol. 13, 1918, p. 28-53, p. 227-243.

8. *The “visible” activities of the Committees of Observation*

The policy of these two Maryland Committees of Observation not to expose publicly those accused of Toryism contrasts sharply with that of North Carolina Committees of Observation. In this colony committees were founded much earlier than in Maryland – most of them began to function by late 1774. On 2 November 1774 the Rowan County Committee for example branded a Mr. Spurgin “an enemy of the country”⁸⁶; on 21 December 1774 the Halifax County Committee “ostracized” the Scottish merchant Andrew Miller for refusing to sign the Continental Association.⁸⁷ These resolutions as well as those to be reported were all published in the colonial newspapers or printed as broadsides and distributed throughout the region. On March 6, the Wilmington Committee of Observation agreed on its own “Association” and ordered its committee members to visit each house and solicit subscriptions to the Association. Those who refused, the committee resolved to “hold forth ... to public contempt.”⁸⁸ On the whole North Carolina Committees pursued a much harsher and energetic course against those whom they suspected of Tory principles. The same is true for Virginia Committees of Inspection and Observation. Between October 1774 and July 1775 they published some twenty condemnations, twelve recantations and four declarations clearing mostly merchants from the suspicion of having violated the Association; but more time was taken up with procuring arms or much needed goods like salt. By late spring or early summer as a result of Governor Dunmore’s efforts to regain the initiative in the colonies the focus of these committees changed. The committees responded to his proclamation of May 3, 1775, his seizure of the powder at Williamsburg, and his resorting to arms with organizing the militia; enforcing the Association became a secondary concern.⁸⁹

Judging from the newspaper advertisements between spring 1775 and summer 1776 the Committees’ of Observation most important concerns were less the enforcement of the economic aspects of the Continental Association than what I have called the creation of a “new nation”. From late spring 1775 onwards two concerns in particular dominate the deliberations in the Committees: Preserving union and harmony and suppressing pro-British propaganda and promoting the concept of “American Rights and Liberties”, concerns that had already played an important role in the

⁸⁶ SAUNDERS (ed.): *The Colonial Records of North Carolina*, vol. 9, Pt. 2, p.1073-1074.

⁸⁷ SAUNDERS (ed.): *The Colonial Records of North Carolina*, vol. 9, Pt. 2, p.1101-1102.

⁸⁸ SAUNDERS (ed.): *The Colonial Records of North Carolina*, vol. 9, Pt. 2, p., 1149-1150; On March 7, 1775 the Committee extended the time until the inhabitants could sign the Association.

⁸⁹ These observations are based on SCRIBNER (ed.) *Revolutionary Virginia. The Road to Independence*, esp. vols. 1-3.

texts of the Associations. The first concern informs the letter of Maryland's Delegates to the Continental Congress to the Baltimore Committee of Correspondence. On 26 March 1775 they reminded the Committee, that "at this critical juncture a firm union of the Colonies, and a rigid adherence to the continental association we deem under God, the most effectual means of preserving our liberties, every measure therefore tending to disunite the Colonies and to sow groundless jealousies between them, ought to be strictly guarded against. Invidious calumnies have been diligently propagated by the Enemies of American Liberty to create distrust to blind the people and to seduce them from a steady pursuit of their true interests; happily such execrable designs have hitherto failed"⁹⁰.

The shift from economic to political and ideological concerns drastically accelerated in most regions after news about Lexington and Concord had spread.⁹¹ In some regions, however, the shift came earlier. In December 1774 in its first session the Committee of Observation of Elizabethtown, New Jersey, upon the motion: "Whether any Person or Persons Writing or Speaking Reproachfully of the Grand Congress of America, or of the Rights and Liberties of the Americas" resolved that this "is a proper Subject of Enquiry by this Board".⁹² The South Carolina Provincial Congress, concluded in June 1775, "that any person having violated or refused obedience to the authority of the Provincial Congress, shall, by the Committee of the District or Parish in which such offender resides, be questioned relative thereto; and upon due conviction of either of the offences aforesaid, and continuing contumacious, such person shall, by such Committee, be declared and advertised an enemy to the liberties of America, and an object of the resentment of the publick; and that the said Committee shall be supported in doing so."⁹³ So obvious had it become to all that what had been a fight over taxes, customs, and economic relationships had turned by late April 1775 into a fight for fundamental political principles that the Provincial Congress of Massachusetts ordered the townships to inquire into the political principles of people suspected of being inimical to American liberties⁹⁴, and a Committee of Observation could, as that from Waterbury in Connecticut actually on July 17, 1775, did, publish the following resolution: „That it is the duty of this committee to inform their constituents, the inhabitants of this town, that in the opinion of this committee the Association of the honourable Continental Congress may be violated by reproachful, con-

⁹⁰ Charles Carroll, Charles Carroll of Carrollton, J. Hall, Thomas Johnson Jr. Samuel Chase to the Committee of Correspondence of Baltimore County, Maryland, Annapolis, 26 March 1775, Gilmore Papers, vol. IV, fol. 1, Maryland Historical Society.

⁹¹ The exceptions were represented by the Committees in the back country of Pennsylvania, see below.

⁹² "Minutes of the Proceedings of the Committee of Observation in Elizabeth-Town, New Jersey, Dec. 6th 1774 – April 17th 1775, Call # 10720, Revolutionary War Manuscripts, New Jersey State Archives.

⁹³ AA 4th Ser., vol. 2, p. 962.

⁹⁴ AA 4th Ser., vol. 2, p. 793.

tumelious language as well as by actions. And to the intent that peace, good order and friendship may be promoted and continued amongst us, we earnestly desire all persons to take notice of this resolve, and carefully to avoid all in words and actions whatever may tend to augment the calamities of our distressed and afflicted country”⁹⁵.

The analysis of the advertisements of Committees of Observation published in four colonial newspapers documents the shift from economic to political concerns in the first half of 1775:

Table 3

Advertisements of Committees of Observation in three Colonial Newspapers,

1 January 1774 – July 1776

	1774	1774	1774	1775	1775	1775	1775	1775	1775	1776	1776	1776	Total
Name of Newspaper	2nd Half Econ.	2nd Half Pro-Brit.	2nd Half Anti-Rev.	1st Half Econ.	1st Half Pro-Brit.	1st Half Anti-Rev.	2nd Half Econ.	2nd Half Pro-Brit.	2nd Half Anti-Rev.	1st Half Econ.	1st Half Pro-Brit.	1st Half Anti-Rev.	1774 - 1776
Boston Gazette	4	0	2	1	4	1	5	1	5	0	1	3	27
Connecticut Courant	1	4	0	6	2	4	3	2	17	3	2	13	57
Pennsylvania Gazette	0	0	0	0	1	3	0	1	10	2	1	23	41
Virginia Gazette	2	0	4	10	4	6	3	2	0	-	-	-	31
Total	7	4	6	17	11	14	11	6	32	5	4	39	156

Explanations: Only advertisements of Committees of Observation have been included. Data for the second half of the year 1774 and for the period before May 1775 for the *Pennsylvania*

⁹⁵ The Connecticut Courant, July 17, 1775. See also the resolution of the New Hampshire Provincial Convention of May 19, 1775: “6th That whereas many persons, through inadvertency, wilful malice, or immoderate heat, have thrown out many opprobrious expressions respecting the several Congresses, and the methods of security they have thought proper to adopt, and thereby have made themselves obnoxious to the inhabitants of this province, it is therefore recommended that the Committees of the several Towns have a watchful eye over all such persons; and they shall be the only persons proper to take cognizance thereof, and that their result be final; and that proper complaint being made to either of the Committee, they make the most speedy and critical inquiry thereof, in order to prevent riots and mobs, and that they discountenance the same.” AA 4th Ser., vol. 2, p. 651-652.

Gazette were unavailable; the advertisements for Virginia were taken as reprinted in Scribner, ed., *Revolutionary Virginia*, vols. 2-3.

Econ.: Advertisements relating to recognizable economic breaches of Continental Association;

Pro.-Brit.: Advertisements relating to recognizable pro-British activities of accused;

Anti-Rev.: Advertisements relating to recognizable activities defined by Committee as “against American liberties” including the refusal to accept Continental Congress Bills of Credit.

The four newspapers published between summer 1774 and summer 1776 carried 156 advertisements in which colonists were declared enemies of their country. This is not a very impressive figure; it bears, however, to analyze the nature, function and meaning as well as the wording of these advertisements in order to understand their impact.

9. Reasons of Committees of Observation to publicly “ostracize” persons

A surprising number of reasons and behaviours led to public exposure: In early September 1774 the inhabitants of Farmington, Connecticut, accused the Rev. James Nichols „of sentiments and principles contrary to the current opinion of British Americans tending to subvert the rights of Mankind in general.“ The Anglican Reverend had refused to offer a service at the Fast Day proclaimed by the Governor.⁹⁶ In early November 1774 Nicholas Austin of Middletown in New Hampshire was forced by the Committee of Correspondence of Rochester to publicly confess on his knees in front of a large crowd, that he had “been aiding and assisting in sending Men to Boston to build Barracks for the Soldiers to live in”⁹⁷. In Maryland in mid-January 1775 the Ann Arundel County Committee of Observation and the Baltimore Committee resolved that “every inhabitant of this County, who ... shall refuse to contribute, before the 1st day of February next, to the purchase of Arms and Ammunition, for the use of this County, is, and ought to be, esteemed an enemy to America; and ... be published by the said Committee in the Maryland Gazette.”⁹⁸ In the same month fourteen inhabitants of Petersham, Massachusetts, were accused of having entered “into a Combination, That we will not acknowledge or Submit to the pretended Authority of any Congresses, Committees of Correspondence or other unconstitutional Assemblies of Men, but will at the Risque of our Lives, and if need be, oppose the forceable Exercise of such Authority”, for which they were declared “traitorous Parricides to the Cause of Freedom in general & the united Provinces of N. America in particular.”⁹⁹ Thomas Gilbert of Freetown in the colony of Massachusetts was treated with similar

⁹⁶ The Connecticut Courant, 19 September 1774, p. 2.

⁹⁷ The Boston Evening Post, No. 2042, 14 November 1774, p. 2.

⁹⁸ AA 4th Ser., vol. 1, p. 1140-1141, 1143.

⁹⁹ The Boston Gazette, 16 January 1775, p. 2.

severity by the local Committee of Observation for claiming that he had survived a shooting at Berkeley with damaged cloths. The committee declared the story a lie “to be ranked with other malicious and libellous Stories” and declared Gilbert “a rank Tory, and a professed Enemy to his Country.”¹⁰⁰ In February 1775, two inhabitants from Ridgefield, Connecticut, were accused to have “supported Court doctrines of Passive-obedience to Parliament”; the people of Wethersfield, Connecticut, considered this, so the *Connecticut Courant* reported, “a direct Breach of the Association of said Congress.”¹⁰¹ In May of the same year Mark Pringle was blamed for having “advanced sentiments contrary to the general opinion of the colonies in America, respecting proper methods of obtaining relief of our grievances” – for which he was summoned before the Committee of Observation of Harwington in Connecticut. Around the same time John and Job Westover were hauled before the Committee of Observation of Sheffield in Massachusetts for having “affirmed that the late Continental Congress, in their doing, were guilty of rebellion against the King; and that the said Job hath affirmed that the Parliament of Great Britain had a right to tax the Americans; and that each of them had said many things disrespectful of the said Congress”¹⁰². On 22 July 1775 Richard Gayford was charged by the Committee of Observation of County Cumberland, New Jersey, of speaking disrespectfully of American generals and calling inhabitants who exercised with their arms “rebels and rascal”¹⁰³. In early February 1776 the merchant Nathaniel Blinko was declared an enemy to American liberties for selling goods at too advanced prices and for his opinion “that he would ask what he pleased, in spite of the Committee”¹⁰⁴. The Pennsylvania Chester County Committee of Observation in early April 1776 summoned Abel Green for having “expressed himself in terms inimical to America, and against the measures adopted for the protection of the Liberties of these Colonies”¹⁰⁵.

These examples suggest the wide range of issues, behavioural patterns and opinions that prompted Committees of Observation to become active. These range from the serious charge of aiding the British army, over defending British policies, rejecting the authority of the Continental Congress, and violating the trade boycott, to just speaking “in terms inimical to America”. In each case the committees exposed such behaviour by publishing it in the newspapers from where it was often copied by other papers of the region. If the person had claim to some intercolonial prominence, the story might be reprinted far and wide. With the publication the deeds of the “culprit”

¹⁰⁰ Boston Evening Post, No. 2062, 3 April 1775.

¹⁰¹ The Connecticut Courant, 20 February 1775, p. 3.

¹⁰² AA 4th Ser., vol. 2, p. 545.

¹⁰³ The Pennsylvania Gazette, No. 2433, 9 August 1775.

¹⁰⁴ The Pennsylvania Gazette, No. 2460, 14 February 1776.

¹⁰⁵ The Pennsylvania Gazette, No. 2468, 10 April 1776.

became visible. He, rarely she, was held “up to public view”. On 19 September 1774 a convention of Committees of Observation in the counties Hartford and Litchfield already recommended the strict examination of those who broke the anticipated trade boycott with the intention „that their Names may be published, their conduct exposed, and their Persons avoided.”¹⁰⁶ The Pownalborough Committee of Inspection prefaced its condemnation of Abdiel Wood with the following words: “To deprive a Man of the benefits of Society by holding him up to the World as an enemy to his country, is a task that must be disagreeable to humanity.”¹⁰⁷ In the case of Captain John Bancroft the Committee of Observation in Westfield, Connecticut, on 16 July 1776 declared that “the said John ought to be held up to public view as an *enemy to American liberty*”¹⁰⁸.

10. Values and principles propagated by the Committees of Observation

Publishing a sentence passed by a Committee of Observation served the purpose of exposing behaviour to public view with the intention to demonstrate that this behaviour was unacceptable and outside the bounds set by the Provincial and Continental Congresses as perceived by the local and regional Committees of Observation. The publication had a symbolic value – it was not only a measure to marginalize unacceptable and dangerous behaviour but teach the local and regional inhabitants the new values that had been violated. All these new values were derivatives of the global phrase “American liberty”: the Provincial and Continental Congresses were the guardians of American Liberty, the Committees were the enforcers of what these higher institutions decreed and decided, and everything that belittled these institutions, smacked of criticism, indicated a lack of support, smelled of opposition to and support for the arch-enemy had to be publicly exposed.

Yet this is not the whole story. The Committees of Inspection and Observation were not only watchdogs and public correctors of misdeeds. Their most important function was to preach the values of a new nation. This intention is particularly obvious in the many recantations published by those who had been condemned as “enemies” and who now begged to be readmitted to civil society. These recantations or confessions were either directly drawn up by the Committees or had to be submitted to it for its approval. They were printed in the papers together with the explicit statement that the recantation had been approved by the Committee.¹⁰⁹

¹⁰⁶ The Connecticut Courant, 19 September 1774, p. 2.

¹⁰⁷ The Boston Gazette, 11 September 1775, p. 2.

¹⁰⁸ The Connecticut Courant, 16 July 1776, p. 3.

¹⁰⁹ The “recantations” were certainly not “similar to loyalty oaths because they are public declarations of positions taken in the context of several alternative extremes”, as the editors Mason I. LOWANCE, Jr., and

My first examples are taken from the *Pennsylvania Gazette*. Robert Holliday had been accused of writing a letter defending British policy which had been published in *Humphrey's Ledger*.¹¹⁰ Holliday was identified as the author; he submitted a letter acknowledging his authorship and regretted what he had written; this letter was rejected. The committee then drafted a new letter of confession which Holliday signed. The letter clearly marked what was unacceptable and pointed out the areas of positive behaviour: It was a sign “of the deepest infatuation” to say that “if the King’s standard were now erected, nine out of ten would repair to it”, and that the “political principles” he had expressed were based on “the grossest errors”. The “measures” on the other hand that had been “adopted by my countrymen for the preservation of American freedom” were “laudable” as was his promise to “co-operate with them in the utmost of my abilities, in their virtuous struggle for liberty.” He appealed to “those principles of humanity, which may induce them to consider the frailty of human nature” by which he meant his own and hoped that they would on that basis forgive his faults.¹¹¹ Unacceptable were the principles and talk about the King’s standards; “the virtuous struggle for the preservation of American freedom”, “the virtuous struggle for liberty” and acting on “principles of humanity” were the positive messages broadcasted in this newspaper text. Another positive message was sent out in the recantation of William Moore, approved by the Chester County Committee of Observation on June 6, 1775: Moore had poked fun of the Militia that was exercising. He now proclaimed “that I have no interest but what is in America”; he prayed “that its Liberties may be preserved” and declared “that I have of late encouraged and will continue to encourage, learning the military art, apprehending the time is not far distant when there may be occasion for it.” Again the messages were clear: Poking fun of American military was wrong, fighting for “liberties” was right and “learning the military art” timely and necessary because Americans had “no interest but what is in America.”¹¹² In his recantation Amos Wickersham from Philadelphia offered the correct phrase for what America was engaged in: It was a “noble and patriotic struggle against the arbitrary measures of the British ministry.”¹¹³ Mordecai Levy pushed the positive lessons further: After confessing his sins – essentially wrong concepts of British policy – he

Georgia B. BUMGARDNER (eds.), *Massachusetts Broadside of the American Revolution*. Amherst, MA 1976, p. 54, suggest. They exposed the admission of guilt and the exposition of political principles to the widest possible number of people. This is the reason why they, too, were published as broadsides, cf. for such a broadside “The Recantations of Robert Hooper and Others”, *ibid.*, p. 55.

¹¹⁰ The Committee spoke of “Humphrey’s Ledger”. The correct title of the paper was “The Pennsylvania Ledger or the Virginia, Maryland, Pennsylvania & New Jersey Weekly Advertiser.” It was published under that title in 1775-1776 by James Humphrey.

¹¹¹ The Pennsylvania Gazette, No. 2421, 17 May 1775.

¹¹² The Pennsylvania Gazette, No. 2425, 14 June 1775.

¹¹³ The Pennsylvania Gazette, No. 2430, 19 July 1775.

pictured his new creed in the following flourishing terms: “I now believe all Assemblies to be legal and constitutional, which are formed by the united suffrages of a free people; and am convinced that no soldiers are so respectable, as those citizens who take up arms in defence of liberty. I believe that Kings are no longer to be feared or obeyed, than while they execute just laws; I most sincerely wish that the counsels of the Congress may always be directed with wisdom, and that the arms of America may always be crowned with success.” These images are powerful: “Assemblies” are “legal” if formed “by the suffrages of a free people”, “soldiers” are “respectable” who “take up arms in defence of liberty”, “counsels of Congress” may be directed with “wisdom” and “American arms crowned with success.”¹¹⁴

In Pennsylvania, the County Committees of Observation faced a problem that spoke directly to the question of their authority. By spring 1776 the movement toward independence had stiffened resistance and more and more men who had not signed the association refused to give up their arms to the Committees. Judging from the minutes of the Northampton County Committee of Observation and Inspection, all was quiet in that county until May 1776; then the committee suddenly faced a plethora of complaints about people who criticised the military efforts, the Continental Congress, and other revolutionary institutions and persons who refused to give up their arms.¹¹⁵ The Committee’s reactions were forceful: It forced “the inhabitants of Chestnut-hill and Hamilton townships” to agree to the publication of their “misdemeanor and accumulated guilt, as well in entering into a written agreement and unlawful combination, to bid defiance to the laws of our country, and to resist the authority of the civil Magistrates, as also in wickedly and maliciously defaming and slandering the Honourable Continental Congress.” At the same time they solemnly promised to “deliver up into the hands and custody of the Committee-men of the said respective townships, within ten days from this date, all our arms, to be by them kept and detained until both by our words and actions it shall evidently appear, that we merit the favour and confidence of our fellow citizens.”¹¹⁶ “Unlawful combinations,” “defiance to the laws” and “resist the authority of the civil Magistrates” were unadmissible, obeying the commands of the Committee of Observation – which in this text equated itself with “civil Magistrates” – was absolutely necessary for retaining the “favour and confidence of our fellow citizens”. In early May the Berks County Committee had Nicholas Hermany publicly admit that it was bad “to discourage the good people of

¹¹⁴ The Pennsylvania Gazette, No. 2430, 19 July 1775.

¹¹⁵ Robert TRAILL, Minutes of the Committee of Observation and Inspection of Northampton County, PA, 1774-1777, ed. ed. C. A. WALTMAN. In: Northampton County Bicentennial Commission (ed.), Two Hundred Years of Life in Northampton County, Pa.: a Bicentennial review. 11 vols. [Easton, Pa. c1976], vol. 4, p. 33-77, esp. p. 45-52.

¹¹⁶ The Pennsylvania Gazette, No. 2465, 20 March 1776.

this and the neighbouring county (of Northampton) from taking up arms against Great Britain” but laudable to “support the present opposition as much as in my power against all the enemies of America”¹¹⁷. And for the few, who still had not yet understood what authority the Northampton Committee of Observation could command, the admission of guilt of John and Joseph Romich contained the illuminating information that the Committee was “obliged to send a party of Associators to compel us to answer for our misconduct; and that we did then resist their authority by loaded fire arms, to the endangering of their lives”¹¹⁸. For the reader the message was clear: Not even armed resistance shielded from the authority of the Committee of Observation.

The public pronouncements of the Committees in Massachusetts differ from those of the middle Atlantic colonies as well as from those from Connecticut in one important aspect: In 1774 and until spring 1775 Massachusetts newspapers are filled with reports that denounced those who had signed an address to Governor Thomas Hutchinson or who had accepted appointments under the “intolerable acts”. Most of those brandished as enemies of liberty in that early period soon publicly apologized and promised that they would henceforth be more careful or, more to the point, “maintain the Charter Rights and Liberties of this Province”¹¹⁹. Those, however, who after spring 1775 were declared “enemy of American liberties”, rarely tried to revert that condemnation.¹²⁰ That in itself suggests that by late spring 1775 Massachusetts

¹¹⁷ The Pennsylvania Gazette, No. 2474, 22 May 1776.

¹¹⁸ The Pennsylvania Gazette, No. 2481, 10 July 1776.

¹¹⁹ The Boston Gazette, 5 September 1774, p.3, declaration of Abijam Willard from Sturbridge, MA, announcing his resignation as Councillor. Other declarations announcing regrets for signing addresses or for accepting appointments, are published in the same paper under the following dates: 5 September 1774 (John White, William Baldwin) 12 September 1774 (Ebenezer Brandish, Antill Gallop, Elisha Harrington, Charles Prescott, Daniel Heald, E. Pond, John Fowle, Elisha Jones) 3 October (John Webb) 12 December (John Demaresq); the Committee of Observation in Wrentham on 21 December 1774 condemned Nathan Aldis “and some of his adherents” for trying to enlist soldiers for the British Army. The same day Aldis and four others signed a public apology. This differed from all the others in its explicit political argument: They “asked the forgiveness of Heaven” for “exasperating speeches which have justly inflamed the minds of all friends of American liberty,” for paying “no regard to any convention or congress.” They promise for the future “to conform to the resolves of the people on all occasions” and to “regulate our conduct and strictly conform to the Grand American Congress”, The Boston Gazette, 2 January 1775; the resolve of the Committee and the public apology were reprinted in the New York Gazette and Weekly Mercury, No. 1215, 23 January 1775, p. 1.

¹²⁰ The exceptions are Simon Tufts, who admitted on 3 April 1775 of having sold tea to Thomas Lillie of Marblehead; in his public apology he explained that the tea had been bought before the boycott of tea went into effect. Nevertheless, he apologized for his behaviour, assured the readers that he supported the American cause and hoped “for a Restoration of their Favour and Confidence,” The Boston Gazette 3 April 1775, p. 3; Thomas Lillie was hauled before Committee of Inspection and Observation at Marblehead, was declared an enemy of liberty and had to publicly apologize for his deed: He assured the public that he had “voluntarily committed [the tea] to the Flames,” The Boston Evening Post, No. 2062, 3 April 1775, p. 2; the third is Asa Dunbar, who was condemned for not observing a public fast day. In his apology he explained that he had done so for religious reasons but that he supported America’s cause, a declaration the Committee in Weston, Massachusetts, accepted, The Boston Gazette 18 September 1775, p. 3. Those whose names as enemies of liberty were published in this paper and who did not apologize

was sharply divided into two camps. Since the readers knew that the Whigs were rebels and the Tories defenders of tyranny and despotism, the Committees with few exceptions spared themselves the trouble to preach the merits or demerits of either to the public or propagate values all Whigs subscribed to already.¹²¹ The one exception is the declaration of the Committee in Granby. In late January 1776 it condemned Captain William Eastman as an “enemy of the country” for his refusal to “to comply with the declaration of the continental Congress in taking up arms in Defence of the Colonies, he also refuses to join the town in transacting any affairs relative to the public cause And who justified the late tyrannical and oppressive proceedings of the British parliament, all of which are aggravated by his holding a captaincy in the militia, under the power and authority of the administration”.¹²²

In neighbouring Connecticut things were different. The *Connecticut Courant* published forty-eight resolves of Connecticut Committees of Observation; in twenty of these the resolutions to declare a person an enemy of liberty were followed by a public apology or a recantation of political opinions expressed in public. Taken together with the recantations that were published at a later time, most people in this colony sooner or later gave up their earlier convictions. Both condemnations and recantations project a set of positive and negative values some of which are distinct for this colony: Unacceptable opinions are “Court doctrines of Passive obedience to Parliament”¹²³, that “Americans owed ... Obedience to all the King’s commands”¹²⁴ or “of wishing that two hundred thousand regulars were here to decide the dispute between Great Britain and the colonies, and that the acts of parliament might take place”¹²⁵, a

were: Abiel Wood (11 September 1775) Thomas Mansfield, Capt. William Tirrill, David Porter, Israel Levet, David Ellis from Abington (25 September 1775) Captain Edward Clark (16 October 1775) Eleazar Bradshaw (16 October 1775) William Eastman (22 January 1776) Richard Burton (18 March 1776). David Townsend represents a somewhat peculiar case, that demonstrates how the Committees worked: He came to the attention of the Committee of Waltham in connection with the examination of the behaviour of Eleazar Bradshaw. Townsend had bought tea from Bradshaw which represented a clear breach of the Continental Association. He apologized and explained, that he had bought the tea at the special request of Dr. John Clark for the use of the doctor’s wife. He added that he hoped the “Public will forgive me, for I did it without Consideration, and I promise to have no more to do with Tea,” *The Boston Gazette*, 16 October 1775, p. 1.

¹²¹ This interpretation corresponds with other observations: No other colony boasted of such a long tradition in public political debate and in the permanent searching inquisition into the constitutional and political principles of the commonwealth. Both sermons and essays published as separate texts or in newspapers since the seventeenth century reinforced a political value system that in many features closely corresponded to that of the Whigs. With the formal adoption of the Charter of 1691 at the recommendation of the Continental Congress of 9 June 1775 (JCC, vol. 2, p. 83-84) in late June of that year the dye was cast in favour of that venerable political tradition.

¹²² *The Boston Gazette*, 22 January 1776, p. 4.

¹²³ *The Connecticut Courant*, 20 February 1775, p. 3.

¹²⁴ *The Connecticut Courant*, 11 December 1775 (Litchfield).

¹²⁵ *The Connecticut Courant*, 18 September 1775 (Waterbury); another wished that “ten hundred thousand British troops were now landed on our sea coasts and that he would join with them (if he possibly could) to subdue the country”, *ibid.*, 11 December 1775 (Litchfield); and somewhat mysterious “being in

“breach of the Association”¹²⁶, holding “sentiments contrary to the general opinion of the colonies in America”¹²⁷ or “to counteract the major part of my brethren in this and the neighbouring colonies”¹²⁸, or worse “counteract the advice of the Hon. Continental Congress, or the minds of the major part of my brethren”¹²⁹, being “unfriendly to Liberties of America”,¹³⁰ and uttering “expressions having a tendency to disunite the inhabitants of this colony”¹³¹, being “obstinately fixed, in their inimical opposition to the doings of the [Continental] congress”¹³², of speaking “disrespectfully of the Congress”¹³³ or even to characterize the acts of the Continental Congress as “more tyrannical and oppressive than any act of parliament”¹³⁴ and thus “to invite the sword of civil discord, tyranny and oppression into the bowels of our native country”¹³⁵, or “to discourage and oppose the measures adopted by America in general and this Colony in particular”¹³⁶, especially by treating a Committee of Observation “in a contemptuous manner”¹³⁷.

Three projections stand out: First, the views about English politics and motives are crude and undifferentiated; second, condemnation of everything that threatened the internal peace of the colony or the union of the colonies and third rejection of all critique of the Continental Congress and the governing institutions that worked for the “good cause” in the colony. Again and again in the recantations and public apologies these values are repeated and cited for condemnations or acknowledged as wrongful behaviour.

favour of the taxation [and?] of the Canada bill”, *ibid.*, 8 April 1776 (Jericho). The names in parenthesis in this and the following notes refer to the townships to which the newspaper article referred.

¹²⁶ The Connecticut Courant, 3 April 1775 (Farmington, Fairfield). This was mentioned in almost all condemnations.

¹²⁷ The Connecticut Courant, 15 May 1775 (Harwinton).

¹²⁸ The Connecticut Courant, 4 September 1775 (Waterbury); the phrase both appears in the recantation of Thomas Nichols and of Samuel Peck, both of Waterbury.

¹²⁹ The Connecticut Courant, 4 September 1775 (Waterbury).

¹³⁰ The Connecticut Courant, 5 June 1775 (Killingworth).

¹³¹ The Connecticut Courant, 5 June 1775 (Killingworth).

¹³² The Connecticut Courant, 12 June 1775 (New Milford); 3 July 1775 (New Milford) “to depreciate the authority of the continental congress”, *ibid.*, 15 August 1775 (Simsbury); not “treated the continental congress and their resolutions with that respect their merits justly deserve”, *ibid.*, 28 August 1775 (Windsor).

¹³³ The Connecticut Courant, 16 October 1775 (Dutchess County, New York); “contumelious and reproachful speeches of the Hon. Continental Congress”, *ibid.*, 31 October 1775 (New Milford); “speaking diminutive of the hon. Continental congress”, *ibid.*, 8 April 1776 (Jericho); to declare “that the doing of the congress were wishee wash, or words to that effect or purport”, *ibid.*, 13 May 1776 (Sharon).

¹³⁴ The Connecticut Courant, 11 December 1775 (Litchfield).

¹³⁵ The Connecticut Courant, 3 July 1775 (New Milford).

¹³⁶ The Connecticut Courant, 3 July 1775 (Litchfield).

¹³⁷ The Connecticut Courant, 15 August 1775 (Waterbury); attempting to “injure and destroy the influence and authority of said Committee, by saying all that comforted him was, that such men on the Committee would receive their punishment in hell and that the Committee, for what they had done to his father would lift up their eyes in torment”, *ibid.*, 17 June 1776 (New Fairfield).

These negative values were reinforced by positive values: From the Rev. Nichols declaration the reader learned that it was good to do nothing “contrary to the inclinations and pursuit of the body of the people”¹³⁸. Three weeks later, the Rev. John Smally put this into a larger and more sophisticated context: “I believe that the good of the people is the end of civil government, and that all laws ought to be regulated by and adopted to this end. I believe that the right of government in civil society originates from mutual compact between the governor, and governed, and is limited by the same.”¹³⁹ Closer home the Committees repeated the message that it was important “heartily and fully [to] adopt the doings of the continental congress”¹⁴⁰ and “strictly comply with the measures proposed by said congress, and pursued by the Americans in general”¹⁴¹. And given the dramatic shortage of arms it was most laudable “to deliver my arms at a reasonable apriement to the Committee of the Precinct where I live to the use of the Continental forces”¹⁴². By May 1776, the Committees had been so successful, that one penitent sinner could now even publicly proclaim that “I do revere the doings of the congress, and heartily approve of the measures adopted for the defence of our just rights; and as I early offered to hazard my life for the defence of my country, so I am willing to do it, whenever my assistance is wanted.”¹⁴³

The Connecticut Committees stressed slightly different values than their sister committees in Massachusetts: Leaving political theory aside, they were particularly concerned with establishing the fact that the majority of the people and the institutions to which they had delegated power were the key features of the presence and future: To act with the majority and thus support the institutions that derived its legitimacy from that authority was true revolutionary behaviour. Thus positive and negative values closely corresponded with and reinforced each other.

My last examples are taken from the condemnations and recantations published in the Virginia papers between November 1774 and August 1775. Both in tone as well as in substance the publications of Committees in this colony differ in three aspects from those of the middle Atlantic and New England committees. First, in over two thirds of the publications the committees do not give any reasons beyond stating that the association had been violated. Second, five of the thirty six resolves the Committees’ reasons focus on personal qualities rather than on political reasons; an equal number give personal as well as political reasons. Third, in the Virginia resolves, be they recan-

¹³⁸ The Connecticut Courant, 19 September 1774 (Farmington); „not to counteract the major part of my brethren in this and the neighbouring colonies,” *ibid.*, 4 September 1775 (Waterbury).

¹³⁹ The Connecticut Courant, 10 October 1774 (New Britain).

¹⁴⁰ The Connecticut Courant, 3 July 1775 (New Milford).

¹⁴¹ The Connecticut Courant, 3 July 1775 (Litchfield); “adhere to the advice of said Congress as being the only means to defend those rights”, *ibid.*, 4 September 1775 (Waterbury).

¹⁴² The Connecticut Courant, 16 October 1775 (Dutchess County, New York).

¹⁴³ The Connecticut Courant, 13 May 1776 (Sharon).

tations or condemnations, the didactic aspect is absent that dominates the publications of the Committees to the north.

On 1 December 1774 Malcolm Hart had been condemned by the Hanover County Committee for “saying that my Opinion of American Virtue was, that a little Gold, properly distributed, would soon induce the People to espouse the Cause of the Enemies to this Country”; this was primarily a reflection on the moral integrity of Virginians rather than a defence of British politics. Almost in passing the Committee added “that I did utter sundry Things in Contempt of the Cause of American Liberty”. He recanted and promised “that in future I shall observe a different Conduct”.¹⁴⁴ The same curious mix characterises the declaration of the Brunswick County Committee on behalf of Alan Love. Love had been charged with having “uttered several injurious and reproachful expressions against the Americans, and the association”. In the hearing before the Committee Love said that he had signed the Association and “mentioned it as his opinion that the British Parliament has no right to tax the Americans” – remarks that lack the didactic touch. The resolve then continues, that Love was “apprehensive that the reports above referred to may prejudice him with many whose favourable opinions he flatters himself he has enjoyed, and wishes to retain, desires the proceedings of this committee may be laid before the public.”¹⁴⁵ The Committee obliged. Again, the image of the person is more important; in this case it is even the reason for publishing the report. The reasoning behind the condemnation of the Anglican Reverend John Agnew by the Nansemond County Committee is especially telling: First the Committee recounted in considerable detail the political views of the Reverend – which were those of a well-informed Tory. The long text of the resolve then concludes with the following summary: „Upon the whole, the public will plainly discover the principles this Rev. Gentleman entertains and in what light he views the general resolutions, adopted and entered into for our relief from the oppressive hand of power. Had this zealous advocate for despotic rule been as assiduous in the discharge of the several duties of his function, as he has been industrious in propagating false and erroneous principles, not only in private discourse, but in blending detestable tenets in his angry orations from the pulpit, in order to gain a party in opposition to the common cause, and thereby lending his little aid to reduce the very people that gave him bread to a state of wretchedness, this committee had not been at the trouble to examine the 11th article of association and opening his conduct to the censure of the world.”¹⁴⁶ The summary makes clear that Agnew’s real crime was that he misused the pulpit for propagating his Tory principles “to reduce the very people that gave him

¹⁴⁴ SCRIBNER (ed.), *Revolutionary Virginia*, vol. 2, p. 180-181.

¹⁴⁵ SCRIBNER (ed.), *Revolutionary Virginia*, vol. 2, p. 274-275.

¹⁴⁶ SCRIBNER (ed.), *Revolutionary Virginia*, vol. 2, p. 311-315, for the whole text. The resolve is dated 6 March 1775.

bread to a state of wretchedness” and not the Tory principles as such.¹⁴⁷ In a different context this tendency colours the condemnation of Mitchell Phillipps. He was condemned for “being always averse to the measures adopted by the Americans to preserve their just rights and privileges inviolate.” But the Committee made it clear that the real problem was that Phillipps was a “Captain of a Company of Militia, over whom he has great influence.” In that function Phillipps had stepped out of his role and “has exerted every effort to deter the men under his command from acceding to the Association, and represented all the American proceedings in the light of absolute rebellion, which, it is feared, may have a bad tendency.”¹⁴⁸

In these as well as in other resolves of Virginia Committees the intention seems to be less to propagate, preach and hold forth particular political values of a future nation but rather to brand and maintain the image of a society in which the gentlemen in public faithfully fulfil the roles assigned to them. In such a society the gentlemen occupied the top layers of society which imbued them with special obligations for the lower ranks. If they misused these obligations they would “reduce” those “to a state of wretchedness” who depended on their integrity and leadership and that of course would “have a bad tendency”. Virginia was a society of orders; Gentlemen respected each other; disrespect ruled a person out of bounds as John Sherlock found out in late June 1775. He was condemned by the Accomack County Committee for declaring “that such people as oppose the ministerial measures with America are rebels; that he shall be employed hereafter in hanging them; and that if no hemp can be got, he has plenty of flax growing”. These were severe political charges. But Sherlock’s apology makes it clear that something else was much more serious: He had called “the Independent Company of this County an unlawful mob, and many other idle and foolish words”. How serious the charges were, his apology demonstrates: “I do, hereby, in the most solemn and serious manner, declare that at those time, when I have held such language, I did not mean as much as I said, and I do hereby declare my most unfeigned sorrow for what I have done or said, and in the most humble manner ask the pardon of the said Independent Company (which was accordingly done by application being made to each member of the said Company respectively) and I declare I look upon the said Company as a very respectable body of men, and, upon the most calm reflection, I declare my opinion to be altered. I most heartily wish success to this my

¹⁴⁷ This interpretation is supported by the decision of the Baltimore County Committee of Observation. On 17 January 1775 it discussed the Tory views of the Anglican Reverend William Edmiston. The Reverend had been charged with having said “that all persons who mustered were guilty of treason; and that such of them as had taken the oath of allegiance, and took up Arms, were guilty of perjury.” After a lengthy discussion the Committee accepted that the Reverend subscribed do Tory views but refrained from declaring him an enemy of the country because the Reverend promised to refrain in public from expressing views „opposite to the decisions of the Continental Congress, or Provincial Congress,“ AA 4th Ser., vol. 1, p. 1147.

¹⁴⁸ SCRIBNER (ed.): Revolutionary Virginia, vol. 2, p. 308-309.

native country in her present honest struggle for liberty with the mother country, and do here promise to do all in my power to retrieve my character with my countrymen.”¹⁴⁹ In neighbouring Maryland gentlemen were dealt with in similar fashion: Robert Gassaway on April 1, 1776, was accused of “an Offence ... of a high and dangerous Nature.”¹⁵⁰ Rather than condemning Gassaway the Committee resolved to hand him over to the Maryland Committee of Safety; that Committee sentenced Gassaway that he “should ask Pardon for his offence at the Head of Captain Smith’s Company and that then upon Payment of the Expences of the Guard he should be discharged.”¹⁵¹ The committee stuck to this policy until early July 1776, when it suddenly started to bind people accused of “anti-American” sentiments, words, and actions with high bonds to their good behaviour: On July 2, 1776, Dr. John Stevenson, Captain Hugh Scott, and John Ashburner were asked to post bond for £ 3000 – five others had to post bonds between £ 50 and £ 1000.¹⁵² In all these cases the sentences were not published.

The examples show that the publications of Virginia’s committees, too, projected values; yet these reflected to a lesser extent than the pronouncements of the Committees of the colonies to the north the values of the “new nation” or of the new political and social order, nor did they constantly reiterate the political principles that were acceptable and denounce those that were unacceptable. The publications of the Committees to the north, the examples set, the lessons preached, and the negative and positive images conveyed were addressed to all. Their purpose was to unite them all, to bring them all into the new nation conceived of virtue and harmony, a nation ruled by the majority. Those who did not subscribe to this new nation were to be ostracised from society. They were not to be part of the new order. The publications of the Virginia committees tell a different story. Their purpose was the reinforcement of a society that consisted of gentlemen and others; the publications spoke to the gentlemen only and not to the society at large. Their implications were that as long as the gentlemen fulfilled their proper functions – which in this case could of course only be the maintenance of the just American rights – harmony would rule the society; wrong principles could only creep into the society if gentlemen seduced the lower orders. For gentlemen represented already the new values of the revolutionary society; there was no need to reiterate what was already accepted wisdom. After all it had been the Virginia gentlemen who consistently had led the revolutionary process. One just had to compare the Virginia resolutions of early August 1774 with the text of the Continental

¹⁴⁹ SCRIBNER (ed.): *Revolutionary Virginia*, vol. 3, p. 236-237.

¹⁵⁰ *Journal of the Committee of Observation of the Middle District of Frederick County* in: *Maryland Historical Magazine*, vol. 11, 1916, p. 247.

¹⁵¹ *Ibid.*, vol. 11, 1916, p. 304 (12 April 1776).

¹⁵² *Ibid.*, vol. 11, 1916, p. 319 (2 July 1776).

Association of late October of the same year. That is not to say that there was no need in Virginia for a public political dialogue. The many “letters to” exchanged between members of the social and political elite in this colony clearly prove the opposite. But the titles of these letters make it clear that they were part of a dialogue within the political elite¹⁵³; they were not really addressed to all the colonists. The pronouncements of the committees, too, were particularly addressed to Virginia’s gentlemen, and not, as was the case with the pronouncements further north, to all the freemen and freeholders of the colony. They spoke to the Virginia’s gentlemen’s images, concepts, ideas, and obligations and not to those of the lower social orders. In short, in this as in many other features Virginia did not fit the general picture.

11. After the collapse: Terminological problems and the emergence of “The people”

Theoretically at least, at the beginning there was nothing: Colonial governments had collapsed by the middle of 1775, courts ceased to function, colonial assemblies one way or another were either not called into session or were at loggerheads with the crown’s governors; they were unable to pass any legislation. In the decade before the first Continental Congress the colonists had increasingly turned to institutions outside colonial constitutions that claimed responsibility for particular political problems: Committees of Correspondence covered British North America with a network geared towards achieving joint political actions to ward off dangers to their liberties and privileges. “Sons of Liberty” in many of the larger cities and towns agitated for measures designed to enforce compliance with trade boycott resolutions. If nothing else the “Sons of Liberty” were certainly extralegal agents for enforcing a particular set of beliefs. While their legitimacy left something to be desired – although they always claimed to be legitimised by their advocacy of the right values – in a sense they represented attempts at solving an increasingly intolerable solution. They voiced attitudes and demands as well as programs that colonial assemblies were denied to voice; they voiced solutions that colonial representatives could think but not publicly express and pursue. They voiced, in short, what people thought or at least that is what they claimed to do.

In township after township and in county after county the same procedure repeated itself in 1774: Freemen and freeholders followed the call of some, met, elected delegates for provincial Conventions and members of local Committees of Inspection and Observation: Most minute books began alike: “Agreeable to Notice for that pur-

¹⁵³ E. g. John Fowler to John Pinkney: An Open Letter, in: SCRIBNER (ed.), *Revolutionary Virginia*, vol. 3, p. 45, 48; A True Patriot to John Pinkney: An Open Letter, *ibid.*, p. 117; Captian James Miller to Alexander Purdie: An Open Letter, *ibid.*, p. 122-123.

pose given to the Freeholders and Freemen of the County of Northampton qualified to Vote for Representatives in the Legislature, a very respectable Number of them met at the Court House in Easton in the Said county on the 21st Day of December Anno 1774 When George Taylor, Peter Kachlein & Henry Kooken Esqurs. were nominated Judges for the Election, for a Committee of Observation and Inspection conformable to the Eleventh Article of the Association of the Continental Congress and recommended by the General Assembly of this Province”. Thus reads the first entry of the Minutes of the Northampton County Committee of Inspection and Observation.¹⁵⁴

There are subtle shifts in the terminology of these protocols as well as in the texts of the associations passed: First there is the ambiguous use of the term “subject”: In June 26, 1774, the Bergen County (New Jersey) Association text speaks of the “late Acts of Parliament, declarative of their right to impose internal taxes on the *subjects* of America, as manifest encroachments on our national rights and privileges as British *subjects*” – a usage that mixes the classical meaning with an innovative meaning that combines “national rights and privileges as British subjects.”¹⁵⁵ Four weeks later, the people of Hunterdon County in the same colony spoke in the second resolve of “the undoubted hereditary right of an English subject” and in the third resolve of the “rights and liberties of the free subjects of this Colony”¹⁵⁶, a usage that separates the term “subject” from its subjection to the crown. In most of the texts of Associations the authors do not style themselves as “subjects”, but as “Freeholders and Inhabitants” as did those “of the Township of Lower Freehold, in the County of Monmouth”¹⁵⁷ On 29 April 1775 the authors of the Association text of New York describe themselves as “freeholders, freemen, and inhabitants of the city and county of New-York”¹⁵⁸; and the authors of the Association drafted in the County and town of Cra-

¹⁵⁴ Robert TRAILL, Minutes of the Committee of Observation and Inspection of Northampton County, p. 35. Similar: Minutes of the Lancaster County Committee of Inspection and Observation, 1774-1776, in: The Peter FORCE Collection, Series 7 E, MSS 19.061, folders 60-70, reel 16, fol. 2, Lancaster Historical Society. The history of the Minutes of the Lancaster County Committee is now described by Francis S. FOX, The Minutes and Papers of the Revolutionary Committees in Lancaster County, 1774-1777, in: Pennsylvania History 71, 2004, p. 213-225. In this county the freemen and freeholders were called together in response to a letter from the Philadelphia Committee; in the case of New York City, the Committee of Inspection and Observation that functioned between 22 November 1775 and January 9, 1776, was called together “In pursuance of a Request of the Committee of Observation of the 26 April 1775, Polls were opened in the Several Wards of the City for the Election of One Hundred Persons as a General Committee of Association for the City and County of New York and of twenty-one Deputies to serve in Provincial Congress. . .,” New York City Committee of Observation Minutes, fol. 2, Peter FORCE Collection, Series VIII D, Reel 53, Library of Congress.

¹⁵⁵ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 9-10.

¹⁵⁶ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 13-15.

¹⁵⁷ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 4-5. Same formula in the Association text of the ‘Essex County, New Jersey, *ibid.*, p.6-8.

¹⁵⁸ Title of Broadside New York : Printed by John Holt, 1775], Evans 14339.

ven called themselves “subscribers, freeholders and inhabitants”¹⁵⁹. These self-descriptions are matched by an increasingly frequent use of the term “people” as a collective term for all Euroamericans: In late May 1774 the Burgesses of Virginia called themselves “the late Representatives of the good people of this country.”¹⁶⁰ Two weeks later the Boston Committee of Correspondence addressed a circular letter “to the People of every Town in the Province”¹⁶¹. In December 1774 the Delegates of the Provincial Congress of Maryland addressed an important resolve “to the People of this Province”¹⁶². Eleven months later the freemen and freeholders of Westmoreland County in Pennsylvania wished that George III “may long be the beloved Sovereign of a free and happy people throughout the British Empire”¹⁶³, while a little later the Provincial Congress of South Carolina bemoaned “an oppressed People” that was driven “to the use of arms”¹⁶⁴, a formula repeated by the Wilmington Associators in North Carolina.¹⁶⁵

These terminological usages indicate a gradual, yet accelerating process in which the colonists see themselves as distinct entities imbued with powers and abilities to act on their own. Whether they style themselves as “free subjects”, “inhabitants”, as “Freeholders and Freemen”, or as “people”, they acquire in all these usages a distinct self, become a unit not dependant on any other institution or higher being like a king. By early summer 1775 this process had reached a point, where formulas are used that suggest that the term “people” had acquired traits of sovereignty. The first usage I find dates from early January 1775: In that month the Freemen and Freeholders at Woodbridge in New Jersey agree on instructions to their just elected Committee of Observation and Inspection: “Resolved That it is the desire of the people now met, that the said Committee do execute the trust reposed in them with firmness and fidelity.”¹⁶⁶ The Provincial Congress of New York quite naturally in May 1775 called itself “representatives of the people.”¹⁶⁷ But more significant is the formula for an oath agreed to by the Provincial Congress of Massachusetts in early May 1775: The officer is to “swear that I will truly and faithfully serve in the Massachusetts Army, to which I belong, for the defence and security of the estates, lives, and liberties *of the good people of*

¹⁵⁹ The South Carolina Gazette and Country Journal, No. 499, 20 June 1775, p. 2.

¹⁶⁰ AA 4th Ser., vol. 1, p. 350-351.

¹⁶¹ AA 4th Ser., vol. 1, p. 397-398.

¹⁶² AA 4th Ser., vol. 1, p. 1031-1032.

¹⁶³ AA 4th Ser., vol. 2, p. 615-616.

¹⁶⁴ South Carolina Gazette and Country Journal, Nr. 497, 6. Juni 1775, p. 3.

¹⁶⁵ AA 4th Ser., vol. 2, p. 1030.

¹⁶⁶ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 45-46. The formula is repeated two days later in the instruction of the assembly of freeholders of Morris County, *ibid.*, p. 47-49.

¹⁶⁷ Printed in the Pennsylvania Gazette, No. 2423, 31 May 1775.

this and the sister Colonies in America, in opposition to Ministerial tyranny”¹⁶⁸. Four weeks later the New Hampshire Provincial Congress adopted the same formula for its officers.¹⁶⁹ Let me finally cite from the recantation of Mordecai Levy, that was published in the *Pennsylvania Gazette* of 19 July 1775: “I now believe all Assemblies to be legal and constitutional, which are formed by the united suffrages of a free people.”¹⁷⁰

By early 1775 many in British North America used the term “people” or its synonyms in the sense political writers and political philosophers had used it in their discussions of natural law. Daniel Leonard, in 1773 still a Whig, on November 18, 1773, summarized the case: “That both legislative and executive powers in this province being corrupted, the partisans of our oppressive plunderers and murderers are screened from public justice. That this corruption of public justice with regard to these internal enemies, and the deprivation of the people from the application of it for their own safety, naturally throws us back into a state of nature...”¹⁷¹ The consequence was spelled out in 1772 by “the Preceptor” in the newspaper *Massachusetts Spy* under the heading “Political Duties of the People”: “As the People are the fountain of power and authority, the original seat of Majesty, the authors of laws, and the creators of officers to execute them; if they shall find the power they have conferred abused by their trustees ... then it is their right and what is their right is their duty, to resume that delegated power...”¹⁷² Armed with these insights the colonists opted for those two parts of political theory and experience through which they had already safeguarded their rights and interests in the preceding periods: representative institutions on the local level (committees) and on the colonial level (provincial congresses). On May 1, 1775, a Meeting of the Inhabitants of Morris County in New Jersey bluntly resolved that their delegates to the Provincial Congress “be vested with the power of legislation, and that they raise men, Money, and Arms for the common Defence”¹⁷³. The people were now increasingly considered the source of political power. Elections of the people thus became creative acts in which “the people” delegated for a limited time to a set of men (never women) particular powers. Whoever started the proceedings, the decisive element was the election. Either the town meeting, or as in the case of New York the opening of the polls, or as in most other colonies the Freeholders and Freemen or simply the Gentlemen of the County assembled and elected members

¹⁶⁸ AA 4th Ser., vol. 2, p. 791 (italics are mine).

¹⁶⁹ AA 4th Ser., vol. 2, p. 658.

¹⁷⁰ The Pennsylvania Gazette, No. 2430, 19 July 1775.

¹⁷¹ Massachusettensis [Daniel LEONARD], “To All Nations of men”, in: *Massachusetts Spy*, 18 Nov. 1773, reprinted in: Charles S. HYNEMAN, Donald S. LUTZ (eds.), *American Political Writing during the Founding Era, 1760-1805*. 2 vols., Indianapolis, IN 1983, vol. 1, p. 215.

¹⁷² The essay is reprinted in HYNEMAN, LUTZ (eds.), *American Political Writing*, vol. 1, p. 181.

¹⁷³ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 104.

for a committee. After the election they often defined the scope of responsibility for the committees. Fairly typical is the instruction of the Town Meeting of Woodbridge in New Jersey to its Committee of Inspection and Observation, that “the said Committee ... in every respect follow the directions of the Association, as much as if it was a law of this Province; and they be upon oath for the conscientious discharge of their duty.”¹⁷⁴ Implicitly or explicitly all Associations asked their Committees to “follow the directions of the Association”, or, to use the words of the Darien Committee in Georgia, that were later copied by New York: “to adopt and endeavour to carry into execution, whatever may be recommended by the Continental Congress, or resolved upon by our Provincial Convention, that shall be appointed for the purpose of preserving our Constitution”¹⁷⁵.

12. Procedures and judicial process and the Committees of Observation

At first the Committees of Inspection and Observation immediately after their election by the people defined their task as enforcing the Continental Association as an economic measure. But the real problems arose as soon as the Committees decided that they were responsible, too, for the enforcement of particular political principles. Trouble started for example on 27 June 1774 when the freemen and freeholders of Morris County, New Jersey, unanimously agreed that all those who approved of “the intolerable Acts” of the British Parliament were “calculated to disturb the minds and alienate the affections of the colonies from the mother country” as were those who subscribed to the “doctrines of the right of taxing America”. Those people “should”, so the meeting unanimously concluded and said in the text of the Association, “be deemed enemies of our King and happy Constitution”.¹⁷⁶ It was clear that a committee would examine those who propagated obnoxious political principles. It was unclear, on what principles or standards they would be measured and decided upon.

We are used to associate the phrase “culture of rights” with institutions like “courts”, with particular concepts of law, and with procedures that guarantee the accused a fair hearing and a fair trial. None of these existed in the two years prior to the Declaration of Independence. The courts were not open except for criminal offences and the law available was the law of the discredited English colonial government. The Committees of Inspection and Observation were no courts; they were elected bodies, responsible to their electors as “the people”. This was the basis of their legitimacy. On

¹⁷⁴ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 45-46.

¹⁷⁵ AA 4th Ser., vol. 1, p. 1136-1137.

¹⁷⁶ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 11-13.

that basis the committees proceeded to regain some of the other features we associate with the phrase “culture of rights”. Many of the committees quickly moved to agree on “procedures” to be followed in hearing and determining a case: Important aspects of these rules were that the accused had to be notified of the charge ahead of the hearing, that the case was to be discussed in the presence of the accuser and the accused, and that both had the right to submit proofs of their allegations and defence. Landon Carter in an open letter to the printer of the *Virginia Gazette* described how a particular case had been dealt with that had created some public controversy: “The complaint against the apprentice selling his goods from his vessel, against the ninth article of the association, was made by one of the members of the committee; and as the evidences were present, the committee immediately went into the inquiry, and finding cause to examine further, sent their messenger to summon this apprentice, and the skipper of the vessel (rendered before obnoxious to the committee of Gloucester for the same proceedings within their precinct) to appear before the committee the next day. Accordingly they did appear; and the chairman, only out of duty, acquainted them with the charge. Upon examination of the evidences before them, the whole committee (pretty numerous), came to those resolutions sent to your press under the hand of Richard Parker *clerk pro tempore*... .”¹⁷⁷ In many cases the Committee after the hearing would postpone the judgment to another day. By adopting clear procedural rules the Committee members attempted to introduce at least something akin to a judicial procedure with which the accuser and the accused were familiar and which would allow the outsider the possibility to judge the merits of the case on the basis of the evidence.¹⁷⁸

¹⁷⁷ SCRIBNER (ed.), *Revolutionary Virginia*, vol. 3, p. 174-175.

¹⁷⁸ The New York City Committee of Inspection and Observation on May 1, 1775, agreed on a set of 15 rules „for the „Government of this Committee in their Debates and Proceedings,“ New York City Committee of Observation Minutes, 26 April 1775 – 16 February 1776, fol. 3, Peter FORCE Collection, Series VIII D, Reel 53, Library of Congress. On 22 May 1775 the Committee of Observation and Inspection of Northampton County agreed, too, to a set of rules; in this case they stressed only the fact that “this Committee will abide by & carry into Execution all such measures as the Continental Congress shall ... adopt.“ The other four rules dealt with military matters, TRAILL, *Minutes of the Committee of Observation and Inspection of Northampton County, PA, 1774-1777*, in: *Two hundred years of life in Northampton County, Pa.*, vol. 4, p. 36-37. In a similar way the Lancaster County Committee of Inspection and Observation on 9 July 1774 passed; in this case they laid down no procedural rules but rather defined the tasks of the commission and were more texts akin to Associations, *Minutes of the Lancaster County Committee of Inspection and Observation, 1774-1776*, sub date 9 July 1774, The Peter FORCE Collection, Series 7 E, MSS 19.061, folders 60-70, microfilm reel 16, Lancaster Historical Society.

13. *Committees of Observation and their electorate*

Particularly in the Southern colonies the committees, as far as it is possible to say, published their proceedings often almost immediately after the meeting.¹⁷⁹ In the middle and especially in the New England colonies, on the other hand, committees usually published only condemnations of particular persons or their recantations but refrained from making their other dealings public. Important resolves by the Pennsylvania Committees of Inspection and Observation were, judging from the minutes of those of Northampton and Lancaster County, published both in English and in German.¹⁸⁰ These publication activities are the result of an essential quality of these committees that led to the heart of the problem: The Committees were elected and felt accountable to their electors. Their ability to function was largely dependent on the support the committee enjoyed. Thus the culture of rights between late 1774 and 1776 was a matter of what the majority of the electors approved of. As a rule the committees usually resigned after a year, when new ones were elected.

The committees' decisions often were criticised, although such criticism became increasingly dangerous. The New England newspapers report fierce criticism and infights for at least two Committees of Inspection and Observation: Swanzey and Pownalborough, both in Massachusetts, and for New Fairfield in Connecticut. The controversies in Swanzey and in New Fairfield are of particular interest: On 7 August 1775 the Committees of Swanzey and Rehoboth in a joint publication accused among others Jerathmeel Bowers, Charles Slead, and Gideon Shearman as "Persons that have acted contrary to the rules and directions of the congress, though not in matters of trade, and make no retractions thereof."¹⁸¹ The following week Bowers, an influential member of the township and delegate to the General Court, demanded proofs for the allegations of the Committee; these were published a month later in a lengthy series of depositions of witnesses that accused Bowers of having hindered the sending of Militia to Lexington and of trying to prevent the organization of a Company of Minute Men and storing gunpowder in the town.¹⁸² Two weeks after the publication of the depositions the *Boston Gazette* reported that the Town Meeting of Swanzey under the chairmanship of Jerathmeel Bowers had voted the Committee of Observation of the town out of office, and elected a new one. The new members were: "Jerathmeel Bowers, William Brown, Capt. Luther Thurber, Charles Slead, Capt. Levi Wheaton." The

¹⁷⁹ See the many reports on particular meetings of Virginia Committees of Inspection and Observation published in SCRIBNER (ed.), *Revolutionary Virginia*, vols. 2-6; and for the publication of the Baltimore Committee of Observation of March 6, 1775 see *New York Gazette and Weekly Mercury* No. 1225, 3 April 1775, p. 2.

¹⁸⁰ See the rules cited in note 177 which were resolved to be published both in German and in English.

¹⁸¹ *The Boston Gazette*, 7 August 1775, p. 2.

¹⁸² *The Boston Gazette*, 14 August 1775, p. 3, p. 11 September 1775, p. 4.

report added, that Bowers was well known for having “warmly contended for the rights and liberties of America”, and that his condemnation by the Committee of Observation had been the result of “envy, malice and revenge.”¹⁸³ That, however, was not the end of the story. Bowers opponents carried the case to the General Court where a special committee shifted through the mountains of charges and countercharges. In a report published in the *Boston Gazette* on 25 November 1775, this Committee declared Bowers innocent of all the charges. This seemed to be a resounding victory; the General Court, however, thought otherwise and voted, as the *Boston Gazette* reported, the report and its recommendations down.¹⁸⁴ In the end Bowers, the chairman of the Swanzey Committee of Observation, stood condemned as someone who had hampered the efforts to defend the people of Massachusetts against the British army.

The reports show that in the case of Swanzey the Committee of Observation had been the battleground for two factions that seem to have split the town and the region so deeply that the General Court felt obliged to interfere. The case demonstrates first, that there was the possibility of appeal against sentences of Committees of Observation in those colonies, where the legislature was still functioning; it points secondly to the ramifications institutions like Committees of Observation faced as elective bodies. This is of course not to argue, that in earlier decades courts of law in North America were immune to outside pressures. But it certainly is safe to say that Committees of Observation as elected bodies were much more vulnerable to these influences and machinations than colonial courts had ever been. The right and reputation of a person seemed more to depend on the majority of the committee and possibly of the electorate than in earlier times.

The case of Pownalborough was different. Ephraim Hubbel of New Fairfield in Connecticut was like Bowers a respected member of the community and a member of the local Committee of Observation. According to a lengthy report published by the majority of the Committee, proceedings against Hubbel had led to his condemnation for concealing documents and for sabotaging in other ways the work of the Committee.¹⁸⁵ Hubbel accepted the verdict and wrote and signed a recantation which was published by the Committee. That seemed to be the end. But the controversy in the

¹⁸³ The Boston Gazette, 25 September 1775, p. 2.

¹⁸⁴ The Boston Gazette, 4 December 1775, p. 1.

¹⁸⁵ The charge was: “secreting and suppressing for several months an association paper came into by said committee, which paper was to be offered to the inhabitants of the town as a criterion of their political principles. Secondly, for strenuously opposing the measures came into and voted by a majority part of said committee in order to subject the enemies of American freedom. Thirdly, for supporting and encouraging the enemies of America in their opposition. Fourthly, for accusing the complainant of speaking false, when relating to said committee matters of fact relative to the grand American cause. Fifthly, for leaving the committee when together for the purpose of dealing with some of the enemies to America, who were then prisoners under guard, and acquainting the said prisoners with the designs of the committee.” The Connecticut Courant 26 February 1776, p. 4.

township did not die down. On 17 June 1776 the Committee of Observation published the condemnation of Capt. William Gaylord Hubbel for “having at sundry times and places, inimically endeavoured to injure and destroy the influence and authority of said Committee, by saying all that comforted him was, that such men on the Committee would receive their punishment in hell and that the Committee, for what they had done to his father would lift up their eyes in torment, and that the committee, in their proceedings, with his father, were governed by prejudice and party spirit.”¹⁸⁶ Hubbel refused to accept the verdict or sign a recantation for his supposed misdeeds. Instead he succeeded in getting the condemnation of his father on the agenda of a joint meeting of the Committees of Observation of New Fairfield, Kent, New Milford, and Danbury. On 1 July 1776 the *Connecticut Courant* reported that after a difficult and involved debate the members reversed the decision of the New Fairfield Committee of February 1776 and by implication justified the critique of Hubbel’s son: The lengthy report published read: “that the operation of said publication has had an injurious effect on the character of said Hubbel, as he is thereby viewed as being inimical to the freedom and rights of the United Colonies, which not being intended by the said New Fairfield committee, and as those difficulties in said committee have arisen rather from certain differences of opinion between a majority of the members of said committee and said squire Hubbel, respecting the method of proceeding in their business, as committee, etc. Than from any want of friendship to the cause of liberty in any member of said committee, each of whom have given abundant proof of their zeal in the defence of the just rights of the country; and which difficulties and said Squire Hubbell having made due satisfaction by a confession of this date on file, to said Committee, of which he is a member, for certain inadvertencies of his, which have been the cause of some uneasiness which have taken place in said New Fairfield committee, and misunderstandings being now reconciled, this publication is made, that not only the effects of the former publication cease, but that the public may be assured of the united endeavours of said committee steadfastly to pursue, as they have ever done, the best good of the country.”¹⁸⁷

Not only the Committees of Observation of New England towns were subjected to pressures from their electorates. Decisions of Virginia committees, too, were, as the reaction of Landon Carter demonstrated, frequently criticized. Committees in Pennsylvania were subjected, too, to pressures. After the news of the clashes at Lexington and Concord in Lancaster County pressures were mounting. While in Paxton Township people were heeding the call to arms, in other parts of the county conscientious objectors were alarmed at the turn of events. In late May the Committee was informed

¹⁸⁶ The Connecticut Courant, 17 June 1776, p. 3.

¹⁸⁷ The Connecticut Courant, 1 July 1776, p. 1.

that “divers Persons whose religious Tenets forbid them forming themselves into Military Associations have been maltreated and threatened by some violent & ill disposed People notwithstanding their willingness to contribute cheerfully to the Common Cause otherwise than by taking up Arms”. The committee appealed to “the good Inhabitants of the County that they use every possible means to discourage and prevent such licentious proceedings & assiduously cultivate that Harmony and Union so absolutely necessary”. At the same time the Committee “intimated to the Publick their entire disapprobation of any abusive opprobrious or insulting expressions that may be made use of by any Persons whatever against such of the Respectable Inhabitants who may think proper to association for the defence and support of their inestimable Rights and Privileges.” The Committee’s stance pleased no one. Faced with widespread criticism for what probably all felt was equivocating rather than forcefully leading, the Committee on June 2, 1775, resolved that since “their well meant endeavours to serve the Public Interest have not proved Satisfactory to divers People resident in the said Borough and that should they continue to act longer as a Committee their proceedings may be productive of disunion and destroy that peace and good order which they ardently wish to cultivate and maintain do unanimously resign the Trust formerly reposed in them”.¹⁸⁸ The new Committee immediately intensified its efforts to arm the county. Agreeing with most other committees in the other colonies “peace and good order” once again were considered supreme values.¹⁸⁹

14. The problem of rights I: liberty of conscience

Arming the people touched on sensitive issues not only in Pennsylvania but in other colonies too: After all, Pennsylvania and at least West New Jersey had a tradition of not only respecting the wishes of conscientious objectors; William Penn had guaranteed liberty of conscience; in a number of public declarations the Yearly Meeting of the Society of Friends pointed out that they considered this their fundamental right; they considered efforts to force them to do military service or to fund military activities as violations of the Pennsylvania constitution.¹⁹⁰ The opposite position was equally clear: From a religious point of view the argument was that “we shall be justified before God and man in resisting force by force, do unite ourselves under every tie

¹⁸⁸ Minutes of the Lancaster County Committee of Inspection and Observation, 1774-1776, sub date end of May - 2 June 1775, The Peter FORCE Collection, Series 7 E, MSS 19.061, folders 60-70, microfilm reel 16, Lancaster Historical Society.

¹⁸⁹On the importance of maintaining unity in Pennsylvania for Quaker politicians see Hermann WELLENREUTHER, *The Quest for Harmony in a Turbulent World: The Principle of "Love and Unity" in Colonial Pennsylvania Politics*. In: *The Pennsylvania Magazine of History and Biography* 107, 1983, p. 537 – 576.

¹⁹⁰ Hermann WELLENREUTHER, *Glaube und Politik in Pennsylvania 1681-1776. Die Wandlungen der Obrigkeitstheorie und des Peace Testimony der Quäker*. Cologne 1972, chap. 12.

of religion and honour, and associate as a band in the defence, against every foe”, as the South Carolina Provincial Congress maintained in the text of its Association of June 3, 1775.¹⁹¹ In 1775 a number of protestant pastors had enlarged on this problem in sermons designed to prove that resistance to tyranny was lawful and did not violate tender consciences.¹⁹² From a secular point of view it was argued that “Our cruel enemies have forced us to cross the Rubicon, we have begun the noble work, and there is no retreating; the King of Britain has proclaimed us rebels. The sword is drawn, and the scabbard must be thrown away; there is no medium between a glorious defence and the most abject slavery; if we fail in our endeavours to repel the assaults of tyranny.”¹⁹³

The need for self-defence overrode individual conscientious scruples. In the light of brute force, so the argument, tender consciences had to be silenced in order to survive. The whole issue, however, had a larger implication and that touched the problem of the relationship between the individual and society. In Connecticut “recantations” had repeatedly stressed the willingness to abide and accept the decision of the majority. In these cases, however, liberty of conscience was not involved. Philosophically the problem involved the question whether a person could delegate the decision over its life to the majority or for that matter to anyone else. Most philosophers of the time thought that such delegation was impossible. Yet philosophers were, too, agreed that everybody had not only the right but the duty to preserve his own life.¹⁹⁴ From that insight it could be deduced that if the individual refused to do anything for the preservation of his life the larger society had the duty to preserve *his* life, too. In Pennsylvania the majority accepted this duty but insisted that it had the right to make the conscientious objectors pay for this service.¹⁹⁵

¹⁹¹ AA 4th Ser., vol. 2, p. 897; similar the declaration of the Massachusetts Provincial Congress, William LINCOLN (ed.), *The Journals of Each Provincial Congress of Massachusetts in 1774 and 1775, and of the Committee of Safety, with an Appendix*. Boston, MA 1838, p. 91-93.

¹⁹² John CARMICHAEL, A. M., *A Self-Defensive War Lawful, Proved in a Sermon, Preached at Lancaster, Before Captain Ross’s Company of Militia, in the Presbyterian Church, on Sabbath Morning, June 4, 1775, Now published at the Request of the Author, and corrected by himself from the Copy printed at Lancaster; Humbly offered to the Persual of the Military Associators of the City, Liberties and County of Philadelphia*. Philadelphia: Printed and Sold by John Dean, Bookbinder, in Laetitia Court, 1775, p. 9-12, Evans 13862; David JONES, M. A., *Defensive War in a just Cause sinless. A Sermon Preached on the Day of the Continental Fast at Tredyffryn in Chester County, by ...*, Published by Request. Philadelphia, Printed by Henry Miller, 1775, p.16-18, Evans 14133; Samuel WEST, *A Sermon Preached before the Honorable Council, and the Honorable House of Representatives, of the Colony of the Massachusetts-Bay, in New England, May 29th, 1776. Being the Anniversary for the Election of the Honorable Council for the Colony, by S. W., A. M., Pastor of a Church in Dartmouth*. Boston, Printed by John Gill, in Queen Street, 1776, p. 58-59, Evans 15217.

¹⁹³ *The Pennsylvania Gazette*, No. 2449, 29 November 1775, reprint of an article in *The Essex Gazette*, entitled “To the American Soldierry” and signed by “A Soldier”, dated 4 November 1775.

¹⁹⁴ WHITE, *The Philosophy of the American Revolution*, p. 203-205.

¹⁹⁵ In general RYERSON, *The Revolution is Now Begun*, 160-166.

15. *The problem of rights II: freedom of the press and of opinion*

The problem was discussed with more urgency in the context of the Committees' efforts to control political opinions and contain criticism of revolutionary institutions. In late 1774 and early 1775 a number of Committees went on record with declarations that did more than just to deplore the publication of Tory pamphlets. Already in mid-December 1774 the Committee of Observation of Elizabethtown in New Jersey resolved that "they will take no more of ... Rivington's Gazettes, nor send any advertisements to be inserted therein ... we will recommend it to our constituents, to observe the same conduct towards said Rivington, or any other printer who shall publish ... pamphlets tending to break the happy union now subsisting throughout the American colonies"¹⁹⁶. Three weeks later the Newark Committee in the same colony published the following queries in the newspapers: "*Query 1*: Whether a Press, which weekly throws out pamphlets and other publick pieces, replete with the most bitter invectives, scandalous and criminal reflections upon that reputable body, the Continental Congress, and their constituents; and all, with a manifest design to blind the eyes of the less judicious; sow the seeds of faction and discord, and thus gratify the perfidious authors of prejudicing the honest, unthinking, against their real interest; whether such a press is not inimical to the country, where it is, and does not forfeit its support? *Query 2*: Whether such a printer, and the authors of such pieces ... are not, according to the strict sense of the Grand Congress, those very persons who ... are considered ... enemies to their country ... ? *Query 3*: Whether a printer in New York in the space of three or four years, by the profits of his press ... can from a low ebb of fortune, if not bankruptcy, acquire such independence, that he dare publicly ... proclaim himself independent of the country, and that he could live without their custom. *Query 4*: Whether such a Man is not a Ministerial hireling, who is endeavouring to sacrifice his country to his own private interest?"¹⁹⁷ Between December 1774 and March 1775 Committees of Observation of Woodbridge and Hanover in Morris County, both in New Jersey,¹⁹⁸ of the precinct of Shawangunk and of Hanover, both in Ulster County in New York,¹⁹⁹ of Newport, Rhode Island,²⁰⁰ and of Orange County, Virginia,²⁰¹ published resolutions that voiced similar concerns about Rivington's newspaper and pamphlets. Some went further. The Orange County Committee

¹⁹⁶ AA 4th Ser., vol. 1, p. 1051-1052.

¹⁹⁷ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 39-40.

¹⁹⁸ Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey. Trenton, NJ 1879, p. 46-47, p. 52-54.

¹⁹⁹ AA 4th Ser., vol. 1, p. 1183.

²⁰⁰ AA 4th Ser., vol. 2, p. 11.

²⁰¹ AA 4th Ser., vol. 2, p. 234-235, SCRIBNER (ed.), Revolutionary Virginia, vol. 2; p. 377-378, p. 386.

described Rivington's pamphlets as a "collection of the most audacious insults of that august body (the grand Continental Congress) and their proceedings, and also on the several Colonies from which they were deputed, particularly New England and Virginia, of the most slavish doctrines of provincial government, the most impudent falsehoods and malicious artifices to excite divisions among the friends of America, they deserved to be publicly burnt as a testimony to the Committee's detestation and abhorrence of the writers and their principles"; the newspaper added that the verdict of the Committee was "speedily executed in the presence of the Independent Company and other respectable inhabitants of the said County."²⁰²

The majority of the people in these counties and townships shared the feelings expressed by their Committees of Observation. For them condemning pamphlets was obviously compatible with *their* concept of the right to free speech and the liberty of the press in England and in the colonies. In strictly legal terms these rights were at best tenuous; they existed not because the English government cherished free speech and freedom of the press but because Parliament had been unable to agree on legislation "regulating" the press.²⁰³ Not of right but de facto freedom of speech and press existed in North America. Nevertheless, some claimed otherwise and objected to the Committees' of Observation efforts to suppress opposition views.²⁰⁴

On May 20, 1775, James Rivington complained in a letter to the Continental Congress that the attacks against him represented violations of the freedom of the press that existed in the British Empire. He claimed that he served with his publications the public as did all other printers.²⁰⁵ In his letter Rivington essentially formulated the arguments a lawyer would have put forward in defense of a client. Many colonists agreed with Rivington, that the "freedom of the press" belonged to the cherished liberties colonists enjoyed. Indeed, two weeks later, a Whig in Virginia insisted in his letter to the *Virginia Gazette* that "The rights and privileges we contend for are common to all. Freedom of sentiment, and liberty of speech, surely are most essential parts of our GRAND CHARTER."²⁰⁶ Indeed, as early as March 1775 the Committee of Observation of Newport, Rhode Island, had published a remarkably pointed defence of the freedom of the press: "Resolved, That the freedom of the Press is of the

²⁰² AA 4th Ser., vol. 2, p. 234-235.

²⁰³ On the press in England and the problem of free speech and the freedom of the press see Karl Tilmann WINKLER, *Wörterkrieg. Politische Debattenkultur in England 1689-1750*. Stuttgart 1998; Eckhart HELLMUTH, "The palladium of all other English liberties": Reflections on the Liberty of the Press in England during the 1760s and 1770s, in: Eckhart HELLMUTH (ed.), *The Transformation of Political Culture. England and Germany in the Late Eighteenth Century*. Oxford 1990, p. 467-501.

²⁰⁴ Leonard W. LEVY, *Freedom of Speech and Press in Early American History. Legacy of Suppression*. New York 1963.

²⁰⁵ AA 4th Ser., vol. 2, p. 836-837.

²⁰⁶ SCRIBNER (ed.), *Revolutionary Virginia*, vol. 3, p. 199-200, published in Purdie's *Virginia Gazette*, 9. Juni 1775.

utmost importance to civil society; and that its importance consists “besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, where, by oppressive Officers, are shamed or intimidated into more honourable and just modes of conducting affairs”; and therefore it is the duty of every friend of Civil Government to protect and preserve from violation, that invaluable right that noble pillar, and great support of Public Liberty; and to countenance and encourage the Press.”²⁰⁷

Clearly, the Committees of Observation which had condemned Tory pamphlets and James Rivington’s newspaper had not lightly thrown overboard what they considered basic rights. In their decision they faced the problem of where to draw the borderline between right and wrong usage of freedom of the press. The Newport Committee of Observation was one of the first committees that squarely faced this problem. It suggested the following solution: “But when ... a press is incessantly employed and prostituted to the vilest uses, in publishing the most infamous falsehoods, in ... exiting discord and disunion among the people; in supporting and applauding the worst of men ... and in vilifying and calumniating the best of characters, and the best of causes; it then behooves every citizen ...to discountenance every such licentious, illiberal, prostituted Press.”²⁰⁸ Constant falsification and slander endangered union, harmony, and thus the public peace and, therefore, represented a misuse of the freedom of the press; to suppress such misuse was rightful and not a violation of a fundamental right.

Not all writers agreed. “R. A.” in Virginia, a Whig, insisted “that every subject, especially of great importance, should be open to a decent, candid, and free discussion. From a collision of opinions, truths, and the most essential interests of the community, are in the fairest track of promotion.” But he added that there were limits. “When, indeed, the public voice has fixed the decision, the acquiescence of individuals, and a proper exertion in the common cause, becomes a duty.”²⁰⁹ This opinion reflected the widespread conviction, that any critique of Continental or Provincial Congresses was inadmissible. A gentleman from Brookfield, Joshua Upham, suggested a broader concept that, however, included key features of the understanding of the Newport Committee and the anonymous letter writer from Virginia. In a letter to the Brookfield Committee of Observation he admitted that he had not approved all measures adopted by the Continental Congress. Yet he insisted: “But to inquire freely into the propriety of every publick measure (provided the same, when established, be

²⁰⁷ AA 4th Ser., vol. 2, p. 11.

²⁰⁸ AA 4th Ser., vol. 2, p. 11.

²⁰⁹ cf. note 217.

not resisted) I have ever held as an inalienable right, and what, in a great measure, constitutes the freedom of an Englishman.” Nevertheless he added that “I have ever deemed it the duty, as well as the wisdom of the individuals of every community, to submit and conform to the sense and opinion of the majority of members of that community; always reserving to themselves, and saving entire and inviolate, the rights of conscience, private judgment, and freedom of speech. Therefore, I have not resisted such measures as have been approved of by the majority of the people, whether agreeable to my private judgment or not.” Everybody was entitled to his own private opinion. But once the majority had decided an issue, all had to accept and abide by that decision –without, however, giving up his “private judgment and freedom of speech”. Upham went still further. He expressly declared himself willing “to bear an equal share and proportion of such publick charge and expense as shall be deemed by such majority necessary to extricate this country out of its present alarming and critical situation.” But, since to him “allegiance and protection, are reciprocal duties and obligations” he expected, despite his private disagreements about public policy, “that I am to be protected and secured in my person, family, and property, from all violent attacks upon either; which protection and security, so far as it is within your power to afford me, I now ask, and doubt not but I shall obtain the same.”²¹⁰ Upham formulated a compromise that obviously was acceptable to the Brookfield Committee of Observation but not to most other Committees in the colony. He was willing to accept with all their consequences decisions of revolutionary institutions although he disapproved of them. But he insisted that this did not imply that he had given up his right to say or think what he wanted.²¹¹ To most Committees such a compromise would have endangered the peace, union, and harmony they considered so important that it justified their silencing any public critique of revolutionary institutions. Most Committees adopted variations of the resolution of the Massachusetts Provincial Congress of 8 May 1775, that the Committees of Observation search and identify all persons considered “open and avowed enemies of America”. The Committees were asked “to inquire into the principles and conduct of such suspected persons; and that they cause all such to be disarmed, who do not give them full and ample assurances, in which they can with safety confide, of their readiness to join their countrymen on all occasions in defence of the rights and liberties of America”.²¹² Resolutions such as these left no room for colonists to voice dissenting opinions on the most important political issues.

²¹⁰ AA 4th Ser., vol. 2, p. 852-853.

²¹¹ See above note 158 for a similar suggestion of the Rev. William Edmiston.

²¹² AA 4th Ser., vol. 2, p. 793.

16. *The problem of rights III. The right to property and “necessity” as an argument*

Freedom of the press and freedom of speech were intimately tied to a third fundamental right, that to one’s own property; after all “allegiance and protection, are reciprocal duties and obligations”. When did, so a gentleman of Maryland asked the readers of the *Maryland Gazette*, “majorities” violate that principle? What was, so the gentleman asked, a “majority”? Was a numerical majority a real majority? Did a numerical majority not violate its duty to maintain peace and order and respect the fundamental rights of the freeholders, if it resolved that all freeholders had to contribute to the expenditures for arming the colony? “Ought we to exert an arbitrary authority, arbitrary in the highest degree, by compelling each other, under the severest penalties, to adopt the same violent extremes, and to run before every other province in the fanatick career of military opposition?”²¹³ Although the last remark identifies the letter writer as a Tory, the questions he raised were important. “Majority” was, as later the Founding Fathers in debating the Constitution were to find out, a ticklish thing. No one in the British Empire would have openly denied that gentlemen counted more than a little poor freeholder. His stake in the society was larger – or so the gentlemen claimed. Their opinion counted more, their weight was not to be ignored, so the writer demanded. If they dissented, peace and public order were endangered and that truly meant “committing violences”. The culture of rights was not only a matter of abstract concepts and laws; these concepts and laws had to be considered within their social contexts.

The gentleman of Maryland was not the only one who felt burdened by the determination of the Committees of Observation to let everyone partake in the military efforts considered unavoidable after Lexington and Concord. The beginning of the Revolutionary War created the final and decisive argument for curbing some fundamental rights: In guarded and carefully worded language “Brutus” said as much on 15 July 1775 in his open letter addressed to “Friends and Countrymen”, but more especially to the readers of Purdie’s *Virginia Gazette*: “The principles of the ever-glorious *revolution* will always justify a suspension of the laws under like circumstances, but we should never enforce those principles unless compelled thereto by *extreme necessity*. Prudence and moderation will give great weight to our measures, whilst a contrary conduct will only serve to disunite us, and consequently to involve us in confusion.”²¹⁴ According to him, and to most Committees of Observation sharing the burden and maintaining peace, unity and public order were at this particular time the most important values to be upheld. “Brutus” reasoning anticipated the arguments of the Conti-

²¹³ AA 4th Ser., vol. 1, p. 1140-1141.

²¹⁴ SCRIBNER (ED.), *Revolutionary Virginia*, vol. 3, p. 131-132.

mental Congress in his “Declaration ... setting forth the Causes and necessity of their taking up Arms.”²¹⁵

The suspension of rights and liberties that the gentleman of Maryland lamented produced in some colonies a further deterioration of the culture of rights. To a certain extent this was the result of mounting military pressures of the British Army. It prompted the Committees of Observation in Lancaster County, Pennsylvania, to sharply increase its pressures on the gunsmiths of the colony, to give up their resistance against producing the arms stands demanded by the Pennsylvania Council of Safety since summer 1775.²¹⁶ As news spread of possible British incursions into Pennsylvania and Maryland demands on the Committees of Observation mounted to get their militia regiments organized, armed and ready for action. On 14 November 1775 the Maryland Committee of Observation for the Middle District of Frederick County resolved that all freemen eligible for militia duty had to enrol or have their names reported to the next Provincial Congress.²¹⁷ That Congress resolved to fine “non-associators”; until late summer 1776 hundreds of them were fined sums between two and ten pounds Maryland currency.²¹⁸ Resistance in Elizabeth Town, Maryland, against militia duty was stiffer – largely due to the many Quakers and Mennonites living in the region. 342 men were fined on the average five pounds for the first year – a sum that the poorer farmers in this region found difficult to come up with. In April 1776 the Committee increased its pressure. 68 non-signers of the Association were ordered to appear before the Committee in early May and explain, why they refused signing the Association. The resolve added that those who appeared were not to be

²¹⁵ The Declaration in: JCC, vol. 2, 128-157.

²¹⁶ The Lancaster County Committee of Inspection and Observation resolved on 10 November 1775: „Resolved that unless they [i.e. gunsmiths] agree to enter upon that work on or before the 11th Day of November instant and continue at the said work until their proportion of the said Arms be fully complete the Tools of the said Gun Smiths so refusing be taken from them, and that they be not permitted to carry on their trade until they shall engage to go to work and make Firelocks and Bayonets according to the pattern shown to them, and that they be not permitted to leave their place of Residence until the Arms are completed. And in case any of the Gun Smiths in the County upon application made to them by the members of the Committee of the respective Townships to which they belong shall refuse to go to work and make their proportion of the firelocks and Bayonets required within two weeks from such application agreeable to the Pattern at the Philadelphia prices, Resolved, that such Gunsmiths in the County have their names inserted in the minutes of this Committee as enemies to this Country and published as such and be treated in every respect in the same manner as those of the Borough who shall refuse to enter upon the work aforesaid.” Minutes of the Lancaster County Committee of Inspection and Observation, 1774-1776, The Peter FORCE Collection, Series 7 E, MSS 19.061, folders 60-70, reel 16, sub 10 November 1775, Lancaster Historical Society. The Committee of Observation and Inspection of Northampton County in June and July 1775 met with very little resistance in raising a Company of Rifle Men in the County, TRAILL, Minutes of the Committee of Observation and Inspection of Northampton County, PA, 1774-1777, p. 38-41.

²¹⁷ Maryland, in: Maryland Historical Magazine 10, 1915, p. 301-321, here p. 311.

²¹⁸ Maryland, in: Maryland Historical Magazine vol. 11, 1916, p. 237-260, here p. 248.

fined or stripped of their arms.²¹⁹ Nevertheless, those who did appear where fined and forced to deliver up their arms.²²⁰ As the needs to refill depleted ranks of Militia regiments increased measures of Committees of Observation got rougher. As it now turned out, many had signed the Association in the hope that they would never be called up for duty. In January 1777 the Committee finally decided to imprison the fathers of sons in order to force the latter to join their militia units.²²¹ At least in the districts of these two Committees of Observation the pressures to keep militia units filled led to a collapse of even a semblance of legality.

17. The problem of rights IV: The Massachusetts Court of Inquiry

The culture of rights did not deteriorate in all colonies. Massachusetts represents the large exception. In that colony in 1775 the Council of Safety was frequently asked to deal with persons suspected of being “enemies to American liberties” – which obviously took up much of that Committee’s precious time particularly when its energies were supposed to be focused on the doings of the British Army at Boston. Shortly after the first clashes between militiamen and British soldiers at Lexington and Concord that body resolved “that if the Provincial Congress of this Colony would erect a Court of Inquiry, to hear and determine all such cases as relate to persons apprehended and brought before them as enemies of American liberty, and other cases which concern the public good, it would be of great publick advantage”²²². A few days later the Provincial Congress took up the challenge. On 15 May it passed a resolution: “Whereas it appears to this Congress that a want of a due and regular execution of Justice in this Colony has encouraged divers wicked and disorderly persons not only to commit outrages and trespasses upon private property and private persons, but also to make the most daring attacks upon the Constitution, and to unite in their endeavours to disturb the peace and destroy the happiness and security of their Country: and whereas, this Congress conceive it to be their indispensable duty to take effectual measures to restrain all disorders and promote the peace and happiness of this Colony, by the execution of Justice in criminal matters”. Therefore the Congress concluded to erect a Court of Inquiry “whose duty it shall be to hear all complaints against any person or persons for treason against the Constitution of their Country, or

²¹⁹ Maryland Committee of Observation for Elizabeth Town District, 14. Sept. 1775 – März 1777, in: Maryland Historical Magazine 12, 1917, p. 159-160.

²²⁰ Maryland Committee of Observation for Elizabeth Town District, 14. Sept. 1775 – März 1777, in: Maryland Historical Magazine 12, 1917, p. 142-163, p. 261-265.

²²¹ Proceedings of the Committee of Observation for Elizabeth Town District [Washington County], in: Maryland Historical Magazine 13, 1918, p. 43, p. 46, p. 49.

²²² AA 4th Ser., vol. 2, p. 754.

other breaches of the public peace and security, and to determine and make up judgment thereon, according to the laws of this Province, and those of reason and equity”.²²³ This court represents the first determined effort in any of the colonies to establish a new judicial system designed to cope with the deterioration of the culture of rights in British North America.

18. The People, the Revolutionary process, and the culture of rights: A summary view

The crucial years between the arrival of the Intolerable Acts and the Declaration of Independence were marked by a collapse of the royal and proprietary governments. In order to fight off what colonists perceived of as British attempts to enslave them, colonists everywhere came together, debated the situation formulated and agreed on texts that embodied their perception of the political crisis and how they hoped to survive it. These “Associations” were the colonists’ answers to the collapse of government. All colonists were confronted with these texts, all had to read them, all had to make up their mind whether they wanted to associate with their fellow freemen or stand aside and run the risk of being branded first a Tory and later an “enemy to American liberties”. With the publication of the Continental Congress’ Continental Association all colonies founded either on the township and borough or on the county level agencies designed not only to enforce the Continental Association but the local or colonial Associations, too. These committees soon acquired a number of functions: They enforced the economic resolutions of the Continental Congress; they dealt with all perceived to be “enemies to American liberties”, they organized on the local and county level military efforts and the collections of “quasi-taxes” to fund these efforts. In general their efforts were guided by three principles: First, strictly shield the Continental and Provincial Congresses from all critique and enforce their resolutions; second to canvass all within their purview for pro-British sentiments; this effort included a strict control of publications that circulated within the township, county or colony; third, to enforce principles of economic morality as outlined by the Continental Association. Fifth, the most important weapon these committees had was declaring those considered to harbour the wrong political principles “enemies to American liberties”. With these highly visible declarations the committees essentially cleansed the body politic from those elements considered poisonous as well as infectious. The instrument implied the revival of the European medieval practice of “Äch-

²²³ AA 4th Ser., vol. 2, p. 805.

tung”, a kind of banishment of a person declared outside the bounds of civilization and community of rights.²²⁴

The texts of the Associations as well as the activities of the Committees of Inspection and Observation reflected in a very direct and fundamental sense attitudes, convictions, principles, and beliefs of inhabitants in towns and counties. Both indicate how the colonists believed they ought and must function in a state of nature in which all political power, rights and liberties once delegated to the king and parliament had reverted to the people. If revolutionary process meant recreating and inventing a new political order the texts of the Associations and the doings of the Committees offer concrete evidence of this revolutionary process on the local and regional level.

Following the example set by the texts of the Associations, on a more lofty level the Committees at the same time propagated their political philosophy both in negative as well as positive terms: in negative terms in their explanations why a particular person was declared “inimical to American liberties”, in positive terms in the “recantations” of the condemned. Both declarations and proclamations were highly successful because they usually were linked to a person of some standing in the township or in the county. The negative images projected were: British tyranny; British efforts at enslaving the good colonists; British conspiracy and British corruption – values hammered home at the same time by pastors in their sermons.²²⁵ These were the counter-images of the republican values projected in the positive declarations: Virtue, liberties, union and harmony, acceptance and obedience to the resolutions of the elected representatives of the people assembled in Provincial and Continental Congresses, and to fight for these values to preserve liberties for the present and for the future. No one cited Locke, Rousseau, Burlamaqui, Harrington or Algernon Sidney. These values represented the fruits of the experiences as well as the reading absorbed in earlier decades. The people in the townships and counties left the learned footnotes to the learned authors of learned pamphlets.

The texts of the Associations and more importantly the activities of the Committees of Inspection and Observation reflect a culture of rights that mirrored the chaos, the insecurity, the sometimes feeble, but often impressively strong sense for retaining due processes of law under the most difficult circumstances. Colonists were aware of the contradictions involved: Protecting the unsuspecting colonists from the poison of British propaganda implied serious incursions into the fundamental rights of freedom of speech and press. They were aware that these incursions damaged their cause and

²²⁴ Cf. Friedrich BATTENBERG, *Reichsacht und Anleite im Spätmittelalter. Ein Beitrag zur Geschichte der höchsten königlichen Gerichtsbarkeit im alten Reich, besonders im 14. und 15. Jahrhundert.* Cologne 1986.

²²⁵ cf. below p. 87-120, the article *From the Past to the future of the “American Israel”: Sermons in the American Revolution.*

their credibility. Ironically the most important defence formulated had recourse to principles most forcefully formulated by European political theorists of the sixteenth and early seventeenth centuries: “ratio di stato” and “necessity” were arguments formulated by among others Machiavelli and used with great effectiveness by Charles I of England. Yet reduced to the alternative of either being enslaved or fight, the freemen and freeholders had no choice. Emergency and necessity forced them to ignore the fundamental liberty of conscience and force people either to join the militia or pay up and thus fund the military effort. It was more than folksy rationality to say that liberty of conscience was little worth for those enslaved or dead.

Associations and the activities of the Committees reflected the will of the Euroamerican inhabitants of the townships and counties. It decidedly did not mirror the wills and attitudes of the enslaved Africans or Native Americans. The committees were subject to the constant scrutiny and control of Euroamericans. Regular yearly elections ensured that the inhabitants could ensure that their feelings and principles were adequately represented on these Committees. Pressures to reflect the majority’s attitudes in their decisions were high on the Committee members. At least in one instance this pressure lead to the wholesale resignation of a committee. Decisions thus reflected majority opinion and that in itself raised the large issue about the protection of minority rights. During the period these problems were recognized but at the same time the gist of the public discussion clearly favoured principles of “union” and “harmony” over respect for minority rights. Yet the fact that already in 1776 the Constitutions of Virginia, Delaware, Pennsylvania, Maryland and North Carolina contained Bills of Rights that formulated and protected fundamental rights against majority decisions of legislatures documents the lively concern about these earlier infractions of fundamental rights between 1774 and 1776. In these years a new people and a new nation was born.