From Empire to Empire:

The Collapse of British America and the Rise of Imperial Republicanism, 1773-1812



Trent Taylor
St Edmund Hall



A Thesis Submitted for the Degree of
Doctor of Philosophy

Trinity 2019

Word Count: 92,067

TABLE OF CONTENTS

Acknowledgements 1
Short Abstract 4
Long Abstract 5
List of Abbreviations 8

INTRODUCTION: An American Empire? 10

CHAPTER I: Colonial Conference to Imperial Congress, 1774-1783
- Introduction 18
- Ireland: Making Common Cause Across the Atlantic 32
- Bermuda: Navigating Neutrality 58
- Québec: From Liberation to Occupation 90

CHAPTER II: The Imperial Republic: Republican Colonialism in the Northwest, 1784-1803
- Empire in the Post-War Republic 132
  - *Imperium and Empire* 137
  - *Republican Empire and Constitutional Discourse* 143
- Legislating for an Empire: The Ordinances and Colonial Government 153
  - *The Western Ordinance of 1784* 162
  - *The Western Land Ordinance of 1785* 164
  - *The Northwest Ordinance of 1787* 168
  - *Imperial Continuities* 190
- A View from the West 194
- Conclusion 203

CHAPTER III: Expansion through Purchase: Empire and Colonial Governance in Orleans, 1803-1812
- Introduction 206
- Reaction to the Purchase 225
- Establishing American Governance 229
  - *The 1804 Louisiana Governments Act* 232
  - *The 1805 Government of Orleans Act* 244
- Cultural and Political Tensions 246
  - *Anglo-American Anxieties* 246
  - *Clashes with the* Louisianais 250
  - *Political Frustration* 259
  - *Racial Tensions* 267
- Conclusion 273

CONCLUSION: The Persistence of Empire 274

List of Figures 282

Bibliography 283

ACKNOWLEDGEMENTS

I am deeply indebted to a number of people for providing feedback, support, and help with this project. I am particularly indebted to Andrew Jackson O'Shaughnessy who encouraged me as a Fourth Year student at the University of Virginia to apply for a graduate degree and to apply to the University of Oxford. I would never have considered applying to Oxford had it not been for his encouragement.

Graduate study is not cheap. I am thankful to everyone who has provided me financial support throughout my studies, particularly my father Geoff, the Delafield Family Association, the generous research grant I received from The Descendants of the Signers of the Declaration of Independence, the Rothermere American Institute, and the travel grants provided by St Edmund Hall.

Like all historians, I am indebted to the labours, expertise, and patience of the staff at various libraries, archives, and research institutes. In the United Kingdom, I owe thanks to the staff of the British Library, the British National Archives at Kew, the Public Record Office of Northern Ireland, the Bodleian Library, and the Sheffield City Archive. In the United States, I owe great thanks to staff of the Massachusetts Historical Society – especially librarian Anna Clutterbuck-Cook and Rhonda Barlow of the Adams Papers, the staff at the Swem Library at the College of William & Mary who helped me on what turned out to be a wild goose chase, the staff at the National Archives and Records Administration in College Park, Maryland, and the staff at the Historic New Orleans Collection who went above and beyond what I could have expected. In Bermuda, I am grateful for the help I received from archivist Karla Ingemann at the Bermuda Archives in Hamilton and to Ethel Patterson of the Bermuda National Trust's Historic Tucker House in St George's.

I travelled extensively for research and wish to thank all those who took me in. I owe a particular debt of gratitude to Betsy Foote Casteen and Tom Butterfield MBE for helping me find lodging in Bermuda after my accommodation fell through at the eleventh hour. I also owe an unpayable debt to Dallas Clement and Joelle Erickson for hosting me at their flat on my numerous visits to London for conferences and research at the National Archives and the British Library.

In researching and writing this dissertation, I have benefitted enormously from the feedback, criticism, and reassurance of a number of scholars. This project had been shaped and formed with the help of my supervisor Peter Thompson, his input and constructive criticism has been a huge help to me. Thanks is due to a number of faculty members at Oxford, particularly those involved in the eighteenth-century history research seminar – Perry Gauci, Bob Harris, Ian McBride, Joanna Innes, and Oliver Cox – and to the Americanists Pekka Hämäläinen, Donald Ratcliffe, Nicholas Cole, and Huw David. I am also grateful for the feedback I received from scholars further afield, especially Peter Onuf of the University of Virginia, Alan Taylor of the University of Virginia, Patrick Griffin of the University of Notre Dame, Rebecca McKenna of the University of Notre Dame, and Frank Cogliano of the University of Edinburgh. I was fortunate enough to have met Stéphane Jettot of Sorbonne Université while he was on a two-year research stint at Oxford and am very thankful for his help fixing a number of my French translations. I was lucky to have been part of a panel with Marion Huibrechts of the Katholieke Universiteit Leuven and thank her for translating material written in the New York dialect of Dutch which was ultimately cut from my thesis. I have also benefited from the input of my fellow graduate students at Oxford and elsewhere, especially Grace Mallon, Elisabeth Grass, Dom Ingram, Mark

Lee, Anna Brunton, and Jessica Davidson of Oxford – Jon Singerton of Edinburgh – and Sam Fisher of Notre Dame.

Thanks is also in order for my friends who helped keep me sane through it all and reminded me of the importance of having a pint and taking a day off, especially Timothy Donnison, James Holder, Seb Birtles, Guy Finny, Nick Jensen, and Summer Haas. I also want to thank everyone at St Edmund Hall – JCR, MCR, SCR and staff – the Hall truly became my home here in Oxford. And, to Matthew Kwasnik, thank you for helping me keep a foot in the real world outside academia.

Lastly, I owe an immense debt to my family. Both my parents instilled a deep appreciation for history and the past in me since before I could read on my own; I would not be studying history if not for their influence. My father has supported me at every corner during this endeavour and allowed me to talk far longer about the eighteenth century than anyone should have to endure. I am grateful that my sister Sarah, the engineer, has taken an immense interest in my work (despite the fact I can barely comprehend hers), has let me stay with her when on research, and took the time and money to visit me in the UK. I also owe a great deal to my aunt and uncle, Betsy and John T. Casteen, who have encouraged my studies since my undergraduate years and taken a great interest in my research; I am fortunate to call you not only family, but friends. Finally, I thank my late aunt, Molly Delafield, you supported me during my masters and the start of my doctorate and it is a shame that you cannot see the finished product.

SHORT ABSTRACT

This doctoral thesis examines the development of an American ideology of a republican empire from the passage of the Coercive Acts following the Boston Tea Party through the Revolution to the Louisiana Purchase. Congress is placed at the centre of this study, from its early days as a colonial conference to its emergence as the bicameral legislature of an independent nation. This thesis re-evaluates the place of empire in pre-revolutionary and revolutionary discourse and its connection to the lofty aims of Continental Congress to unite the British imperial peripheries from Ireland to Barbados for the purpose of reform. As relations between the Mother Country and the provinces attending Congress continued to deteriorate, Americans shifted from wishing to remain in the British Empire to becoming an independent empire of their own. In looking at the salience and persistence of the language of empire and colonialism among the American public and the political class following Independence, this thesis finds that the American Republic consciously took British imperial and colonial practices and modified and adapted them to suit the needs of a republic. British colonial precedent was used to create the US territorial system which dictated the governing practices over the Northwest Territory and other US territorial dependencies. Documents such as the Northwest Ordinance of 1787 created a two-tiered system of empire in the United States composed of the self-governing Union of States and the subordinate territorial dependencies. While this project examines ideas of American empire, it seeks to move beyond the tired trope of Thomas Jefferson's 'Empire of Liberty' and distances itself from the later Manifest Destiny image of empire intent on westward expansion.

LONG ABSTRACT

This project examines the idea of an American republican empire from the eve of the Revolution through the Louisiana Purchase. It is built predominantly around the actions of Congress, from its beginnings as an interprovincial summit of British colonies pushing for imperial reform to the federal legislature of an independent nation with oversight of the Republic's territorial dependencies. Much of it also focusses on the language of empire; descriptions of the Republic as community of polities united under one head and the embrace of the terms 'colony' and 'colonial' to describe the relationship between the federal government and territorial dependencies. While many historians have written on Thomas Jefferson's 'Empire of Liberty', my aim is to show that the conception of the United States as an empire goes well beyond Jefferson. The title, *From Empire to Empire*, alludes to the fact that the notion of a US empire has its roots in America's membership in the British Empire and was built largely on British precedent but with republican innovation. The dissertation is divided into three sections: the first looking at empire and the Revolution; the second at empire in the Early Republic; and the third at empire and the Louisiana Purchase.

I reinterpret the Revolution within a greater British Atlantic frame. Often historians of the Revolution restrict their study to the thirteen colonies which become the United States, but Continental Congress sent invitations to and envisioned delegates from throughout the British Empire from the Kingdom of Ireland to Barbados. Congress's original goal was 'to preserve the freedom and happiness of the whole British empire'. Given that, as David Armitage has shown, the colonists were the first to conceive of the British Empire as an inclusive community linked by a common sovereign, political rights, religion, and identity it should not be surprising that Congress invoked Britishness and the Empire in its petitions, addresses, and debates.

The first section looks at Congress as an imperial body. Using the changing American relationships with Ireland, Bermuda, and Québec between 1774 and 1783, it traces Congress's development from a British interprovincial conference to an imperialising force of its own intent on annexing and absorbing many of Britain's remaining New World colonies.

Although the United States failed to annex other British colonies during the War, the southern portion of Québec was ceded to the fledgling republic by the Treaty of Paris. The second section looks at congressional plans on how to govern this region, ultimately resulting in the Northwest Ordinance. Empire and colonialism permeate the Northwest Ordinance. The Ordinance closely followed the form of a British colonial charter; it established the relationship between imperial centre and colonial periphery; outlined the authority of the territorial government, asserted the supremacy of Congress and even emulated the Crown's claim to a fifth of precious metals in seventeenth-century charters. The American ideology of republican empire was an outgrowth of an earlier British imperial identity. The Northwest Ordinance ultimately created the American territorial system and established what I argue is a two-tiered system of empire: the Union of States (a federal empire of equals) and the subordinate dependent territories.

The final section of this dissertation deals with the Louisiana Purchase and the statutes and policies surrounding the governance of the Orleans Territory. The Purchase has sometimes been seen as a break with the political tradition of the Founding. Legal scholar George Dargo, for example, characterised the US as becoming 'a colonial power within a generation of its own anti-colonialist revolution' because of the way the federal government governed the purchased lands. This thesis holds that the acquisition and governance of Orleans is better understood as a continuation of the ideas of empire

permeating American political ideology and discourse since the Revolution. The Louisiana Purchase thus represents the affirmation of American imperial republican ideology rather than a shift towards a new system.

Overall, this dissertation challenges the notion that the Revolution was overtly anti-imperial and anti-colonial, instead arguing that empire had a great deal of political currency with American Patriot-Whigs going into 1776. With independence, the US sought to be an empire in Britain's mould but purged of corruption and reformed to suit a republic. Imperial republicanism had colonial dependencies but guaranteed their eventual statehood. Furthermore, the imperial mindset of the Early Republic is not a Manifest Destiny-esque ideology, but one heavily orientated towards the Atlantic and one which continued past the admission of Orleans to the Union as the State of Louisiana in 1812.

ABBREVIATIONS

Publications

AHR	*American Historical Review*
AmArchs	*American Archives: Consisting of a Collection of Authentick Records, State Papers, Debates, and Letters*, 4th ser., vols. 1-4, (Washington, 1837).
Annals of Congress	*Debates and Proceedings of the Congress of the United States*, ed. Joseph Gales, (Washington, 1834-1853).
BF Papers	*The Papers of Benjamin Franklin*, eds. Leonard Labaree, Ellen Cohn, *et al*., (New Haven, 1963-2006).
CJ.Ire.	*Journals of the House of Commons of the Kingdom of Ireland*, vols. 8- 9, (Dublin, 1796).
FC	Family Correspondence
CS	Confederation Series
GW Papers	*The Papers of George Washington*, ed. Philander Chase *et al*., (Charlottesville, 1985-2010).
Hamilton Papers	*The Papers of Alexander Hamilton*, ed. Harold Syrett, (New York, 1962-1969).
HC	House of Commons
HL	House of Lords
HR	House of Representatives
JAH	*Journal of American History*
JCC	*Journals of the Continental Congress*, vols. 1-32, ed. W.C. Ford, Roscoe Hill, *et al*., (Washington, 1904-1936).
JEAH	*Journal of Early American History*
JER	*Journal of the Early Republic*
JICH	*Journal of Imperial and Commonwealth History*
LaH	*Louisiana History*
LDC	*Letters of Delegates to Congress*, vols. 1-24, ed. Paul H. Smith, (Washington, 1976-1996).
Madison Papers	*The Papers of James Madison*, ed. William Hutchinson *et al*., (Chicago, 1962 – Charlottesville, 1979).
MVHR	*Mississippi Valley Historical Review*
NDAR	*Naval Documents of the American Revolution*, vols. 1-11, (Washington, 1964-2005).
PS	Presidential Series
RS	Retirement Series
RWS	Revolutionary War Series
SSS	Secretary of State Series
TJ Papers	*The Papers of Thomas Jefferson*, ed. Julian Boyd *et al*., (Princeton, 1950-2016).
WMQ	*William and Mary Quarterly*

Archival

AP	Adams Papers
BermA	Bermuda Archives, Hamilton, Bermuda
BL	British Library, London, UK
Bodl.	Bodleian Library, University of Oxford
CanRef	Canadian Refugees
CO	Colonial Office
CHS	Connecticut Historical Society, Hartford, CT
GLI	Gilder Lehrman Institute, New York, NY
HNOC	Historic New Orleans Collection, New Orleans, LA

IHS	Indiana Historical Society, Indianapolis, IN
JMW	John Minor Wisdom Collection
JP	Jefferson Papers
LAR	Letters of Application and Recommendation
LR	Letters Received
LaRC	Louisiana Research Collection
LoC	Library of Congress, Washington, DC
MannColl.	Manning Collection
MHS	Massachusetts Historical Society, Boston, MA
NARA	National Archives and Records Administration, Washington, DC
NARA-II	National Archives and Records Administration, College Park, MD
NWT	Northwest Territory
NYHS	New-York Historical Society, New York, NY
NYPL	New York Public Library, New York, NY
PCC	Papers of Continental Congress
PSP	Philip Schuyler Papers
PRONI	Public Record Office for Northern Ireland, Belfast, UK
RBML	Rare Book and Manuscript Library, Columbia University, New York, NY
RG	Record Group
SAP	Samuel Adams Papers
T	Treasury Papers
TCP	Tucker-Coleman Papers
TNA	The National Archives, Kew, London
TP	Territorial Papers
WP	Washington Papers
WSP	Winthrop Sargent Papers
UVa	University of Virginia
W&M	College of William & Mary

Individuals

AH	Alexander Hamilton
AStC	Arthur St Clair
BCC	Boston Committee of Correspondence
BCD	Boston Committee of Donations
BF	Benjamin Franklin
ÉB	Étienne de Boré
GIII	His Majesty King George III
GJB	George James Bruere
GW	George Washington
HT	Henry Tucker
JA	John Adams
JJ	John Jay
JQA	John Quincy Adams
RHL	Richard Henry Lee
RK	Rufus King
RRL	Robert R Livingston
RTP	Robert Treat Paine
SA	Samuel Adams
StGT	St George Tucker
TJ	Thomas Jefferson
WS	Winthrop Sargent

INTRODUCTION

An American Empire?

When the Spanish–American War ended in August 1898, the United States found itself in possession of the former Spanish colonies of Cuba, Puerto Rico, Guam, and the Philippine Islands. In response to the acquisitions, William Jennings Bryan, the 1896 Democratic Party presidential candidate, asked the American people 'Republic or empire, which shall it be?'. The two options were presented as polar opposites. A pivot towards empire, Bryan warned, would betray the principles of the American Revolution and the nation's founding: 'If we adopt a colonial policy and pursue the course which incited the revolution of 1776 we must muffle the tones of the old Liberty Bell and commune in whispers when we praise the patriotism of our forefathers'.[1] The US retained the overseas territories and governed them through the newly created Bureau of Insular Affairs. Many historians have argued that the War made the United States a colonial power and a territorial empire for the first time. Despite this, the American people and US government officials shied away from explicitly embracing an imperial identity. In 1914, during the Woodrow Wilson administration and Bryan's tenure as US Secretary of State, the Chief of the Bureau of Insular Affairs warned government officials that 'the word colony must not be used to express the relationship which exists between our government and its dependent peoples'.[2] Imperialism and colonialism

[1] William Jennings Bryan, *Republic or Empire: The Philippine Question* (Chicago, 1899), pp. 2-3, 22.
[2] General Frank McIntyre and Major Irvin Hunt, 'Article prepared for the Secretary of War in response to a request of Mr George Marvin, 1718 H. Street, for an article from the Secretary on the War Department as a Colonial Government', 14 Mar. 1914, NARA-II, RG 350, Records of the Bureau of Insular Affairs, entry 5, box 535. I am grateful to Prof. Rebecca McKenna for sharing this information; see also McKenna, *American Imperial Pastoral: The Architecture of US Colonialism in the Philippines* (Chicago, 2017), p. 110.

were seen as un-American; a republic possessing colonies was viewed as an inherent contradiction and an affront to American political tradition.

A century earlier, however, the Founders of the Republic openly embraced empire. Far from un-American, a positive understanding of empire was firmly embedded into Revolutionary ideology. While stationed at Valley Forge in March 1778, General George Washington issued general orders to the men under his command reminding them that they were 'engaged in a Struggle for every thing valuable in Society and partaking in the glorious task of laying the foundation of an Empire'.[3] Today, Washington's speech may seem out of place and antithetical to the prevailing memory of the American Revolution, but his use of imperial language was not unusual. In a 1776 letter written on behalf of Continental Congress, Benjamin Franklin stressed that if the US envoy in Paris was successful in securing an alliance with France, 'America will soon be established an Independant [*sic*] Empire'.[4] This language persisted even after the end of the War for Independence. In 1786, as Congress debated how to govern the Republic's first non-state entities, James Monroe advocated a return to the models of the British Empire and proposed establishing 'a colonial government similar to that which prevail'd in these States previous to the revolution'.[5] We are conditioned to think of the Founders as staunchly anti-imperial and anti-colonial, but these statements instead present the image of men thoroughly comfortable with describing the young country as both a republic and an empire as well as a surprising willingness to replicate British colonialism. For the Founding generation, republic and empire were not incompatible. By the time Bryan gave his 'Republic or Empire' speech, the place of empire in the Founding had evidently been forgotten.

[3] GW, General Orders, 1 Mar. 1778, LoC, WP, MS 44693, ser. 3g, letterbook 3, fo. 79.
[4] Committee of Secret Correspondence to Silas Deane, 1 Oct. 1776, *BF Papers*, vol. 22, pp. 639-45.
[5] James Monroe to TJ, 11 May 1786, *TJ Papers*, vol. 9, pp. 510-12.

The history of the American Empire has most often been told as the story of a quick rise to prominence in the 1890s with the rapid acquisition of overseas territories from Puerto Rico, to Hawaii, and Samoa.[6] At the heart of many of these narratives lies Samuel Flagg Bemis's 'Aberration Thesis' which argues, like William Jennings Bryan, that the "turn" to empire in the 1890s was a betrayal of American principles and the legacies of the Revolution.[7] Other historians have pointed to the 1840s, with the growth of the belief in Manifest Destiny and a God-given right of the American people to expand west to the Pacific, as the start of American imperialism. These narratives typically trace the ideological origins of American empire to Puritan exceptionalism and the defiant colonists who settled beyond the Appalachian Mountains in the mid-eighteenth century and thus contrast American imperialism to the British Empire.[8]

This project traces the idea and development of the American Empire from the beginnings of the Revolution to the Louisiana Purchase. It is bounded on one side by the convocation of an interprovincial congress in 1774 to coordinate the colonial response to the Coercive Acts and on the other by the admission of the Territory of Orleans to the Union as the State of Louisiana in 1812. A number of historians such as

[6] Among the many works on the nineteenth-century rise of an American empire are William Appleman Williams, *The Tragedy of American Diplomacy* (New York, 1962); Ernest May, *American Imperialism: A Speculative Essay* (New York, 1968); Walter LaFeber, *The New Empire: An Interpretation of American Expansion, 1860-1898* (Ithaca, 1975); Lloyd Gardner, *Imperial America: American Foreign Policy Since 1898* (New York, 1976); David Healy, *US Expansionism: The Imperial Urge in the 1890s* (Madison, 1976); Stuart Creighton Miller, *"Benevolent Assimilation": The American Conquest of the Philippines, 1899-1903* (New Haven, 1982); Barry Rigby, 'The Origins of American Expansion in Hawaii and Samoa, 1865-1900', *International History Review*, vol. 10, no. 2 (1988), pp. 221-37; Stanley Karnow, *In Our Image: America's Empire in the Philippines* (New York, 1989); H.W. Brands, *Bound to Empire: The United States and the Philippines* (Oxford, 1992); H. Wayne Morgan, *America's Road to Empire: The War with Spain and Overseas Expansion* (New York, 1993), Bartholomew Sparrow, *The Insular Cases and the Emergence of American Empire* (Lawrence, 2006), David Brody, *Visualizing American Empire: Orientalism & Imperialism in the Philippines* (Chicago, 2010); Noel Maurer, *The Empire Trap: The Rise and Fall of US Intervention to Protect American Property Overseas, 1893-2013* (Princeton, 2013).

[7] Samuel Flagg Bemis, *A Diplomatic History of the United States* (New York, 1936).

[8] Thomas Hietala, *Manifest Design: American Exceptionalism and Empire* (Ithaca, 1985); Anders Stephanson, *Manifest Destiny: American Expansion and the Empire of Right* (New York, 1995); Amy Greenberg, *Manifest Manhood and the Antebellum American Empire* (Cambridge [UK], 2003).

Julian Boyd, Robert Tucker, David Hendrickson, and Peter Onuf have looked at the notion of an American empire in the Early Republic and the usage of the language of empire by historical actors. The focus of these studies, however, has largely been limited to Thomas Jefferson's trope of an 'empire of liberty' and been further stunted by a preoccupation with whether or not the phrase is oxymoronic.[9] Jefferson's use of the phrase 'empire of liberty' was neither a rhetorical flourish nor was it limited to him and the litany of scholarship on a Jeffersonian notion of republican empire has, with few exceptions, ignored or undervalued the extent to which the idea of an American empire was shared with other Founders and the American public. The purpose of this dissertation is to show that early republican appeals to empire were more than rhetorical flourishes. It seeks to show that the language of empire was ubiquitous in the Early Republic and formed part of public consciousness. Both chambers of Congress described the country as an empire and continued to do so, without domestic criticism, into the early nineteenth century.

In the eighteenth century, the term empire did not carry (at least for white Americans) the political, racial, and ideological baggage that it does today. I am not trying to invoke notions of cultural imperialism, "coca-colonialism", or the political rhetoric of American imperialism which was popular during the Cold War and

[9] TJ used this phrase in two letters: TJ to George Rogers Clark, 25 Dec. 1780, *TJ Papers*, vol. 4, pp. 233-38 and in TJ to Representatives of Indiana Territory, 28 Dec. 1805, LoC, JP, MS 27748, ser. 1, reel 35, 27076; TJ did, however, refer to the US as an empire on at least two more occasions, see TJ to GW, 15 Mar. 1784, *TJ Papers*, vol. 7, pp. 25-27: 'our new empire'; TJ to James Madison, 27 Apr. 1809, ibid., RS, vol. 1, pp. 168-70: 'empire for liberty' and 'extensive empire'. For historiographies emphasising TJ and empire, see Julian Boyd, 'Thomas Jefferson's "Empire of Liberty"', *Virginia Quarterly Review*, vol. 24, no. 4 (1948), pp. 538-54; Robert Tucker and David Hendrickson, *Empire of Liberty: The Statecraft of Thomas Jefferson* (New York, 1990); Lawrence Kaplan, *Thomas Jefferson: Westward the Course of Empire* (Wilmington, 1999); Peter Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville, 2000); Élise Marienstras, «L'Empire de la liberté selon Thomas Jefferson: un oxymore emblématique de la pensée nationale américaine à l'époque de l'expédition de Lewis et Clark», *Revue de la Société d'études anglo-américaines des XVIIe et XVIIIe siècles*, vol. 63, no. 1 (2006), pp. 155-70; Frank Cogliano, *Emperor of Liberty: Thomas Jefferson's Foreign Policy* (New Haven, 2014). For scholarship less centred on TJ, see Richard van Alstyne, *The Rising American Empire* (Oxford, 1960); Jack Eblen, *The First and Second United States Empires: Governors and Territorial Government, 1784-1912* (Pittsburgh, 1968).

resurgent after 9/11.[10] Historian Anthony Pagden identifies four predominate and interrelated meanings of the term empire in the eighteenth century: (1) empire as *imperium*, meaning to exercise power and authority, (2) empire as an independent state not subordinate to another power, (3) empire as a political relationship which held groups of peoples together in an extended system; more simply put, a diversity of territories and peoples under a single authority, and (4) empire as a state ruled by an emperor.[11] I argue that Americans, both political elites and the common man, were employing the first three meanings when they called the United States an empire. They were celebrating their independence from Great Britain, their internal sovereignty, and describing their conglomerate nature and later federative organisation.

The American vision of empire in the Early Republic was of a United States contained to the Atlantic coast. There were few serious desires to expand beyond the Mississippi River. American aspirations were to expand to the north and south: to take over the surrounding British and contiguous Spanish colonies. This early American model of empire was not the more often thought of Victorian form of empire which was built on economic exploitation, racial subjugation, and the civilising mission of the so-called 'white man's burden'[12] exemplified by the European 'Scramble for Africa' in the 1880s.[13] During the Early Republic, the US was not looking to acquire subject

[10] Exemplars of these arguments are William Appleman Williams, *Empire as a Way of Life: An Essay on the Causes and Character of America's Present Predicament along with a few Thoughts about an Alternative* (Oxford, 1980); Reinhold Wagnleitner, *Coca-colonization and the Cold War: The Cultural Mission of the United States in Austria after the Second World War*, trans. Diana Wolf, (Chapel Hill, 1994); Robert McMahon, 'The Republic as Empire: American Foreign Policy in the American Century' in Harvard Sitkoff (ed.), *Perspectives On Modern America: Making Sense of the Twentieth Century* (Oxford, 2001), pp. 80-99; Andrew Bacevich, *American Empire: The Realities and Consequences of US Diplomacy* (Cambridge [MA], 2002); Wesley Clark, *Winning Modern Wars: Iraq, Terrorism, and the American Empire* (New York, 2003).

[11] Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France, 1500-1800* (New Haven, 1995), pp. 12-16.

[12] The phrase was coined by Rudyard Kipling in his 1899 poem "The White Man's Burden" written to encourage the US to undertake a civilising mission in its rule of the Philippines. This poem was reprinted in a number of newspapers across the country, e.g., *New York Tribune*, 5 Feb. 1899.

[13] On Victorian imperialism, see John Darwin, 'Imperialism and the Victorians: The Dynamics of Territorial Expansion', *English Historical Review*, vol. 112, no. 447 (1997), pp. 614-42; Ronald

peoples in far-flung colonies across the globe, though that is not to say that the United States was not racist in its policies and treatment of non-Europeans.

Rather than assuming that the Revolution was ideologically opposed to the British as an empire, this thesis contends that empire permeated revolutionary ideology. Continental Congress was formed in 1774 to preserve the British Empire and was intended to include the entire imperial periphery, not just the thirteen provinces which became the United States. American colonists invoked their rights as free-born Britons and wished to retain their place within the Empire but under reformed conditions. As colonists, Americans had often revelled and gloried in their membership in the British Empire. For them, empire was not benign but a positive good; it was a means to protect rights and liberty and to provide security. Congressional delegates initially advocated imperial reform and constantly asserted their loyalty to the Crown and Mother Country. Americans declared their independence from Britain in July 1776, but in doing so they celebrated the 'glorious formation of the American Empire'.[14] While the US shifted from monarchical dependencies to a republican empire, Jefferson's 'Empire of Liberty' and Washington's 'rising empire' have their ideological origins firmly rooted in America's membership in the British Empire. This project thus contends that the substitution of an American empire for the British Empire was an easy ideological transition. Americans adapted the imperial language they had used to describe the British Empire as a collection of polities united under one government to describe the Republic. Sister colonies became sister republics. Fellow subjects became fellow citizens. When creating the western territories, Americans embraced them as colonies. The presiding Union and the territorial dependencies became the American Empire.

Robinson, 'The Conference in Berlin and the Future in Africa 1884-1885' in Stig Förster, Wolfgang Mommsen, and Ronald Robinson (eds.), *Bismarck, Europe, and Africa: The Berlin Conference 1884-1885 and the Onset of Partition* (Oxford, 1988), pp. 1-32.

[14] *Pennsylvania Evening Post*, 29 July 1777.

Jeffersonian scholars have rightly asserted that 'Jefferson's conception of republican empire' was 'an idealized version of the old regime purged of corruption'. They, however, also contend that unlike the British Empire, the American republic would be an 'empire without a metropolis'.[15] As noted above, James Monroe advocated using British colonial practices as precedent for the Northwest Ordinance – the ultimate expression of creating the United States as a better British Empire. This legislation, however, and the territorial system it created, faithfully replicated the centre-periphery relationship of Britain's empire; Congress and Washington, DC assumed a strong directing role over America's dependencies. The states in the Union were equal republics with full representation in Congress and a say in the direction of the federal government. The territories had their governments appointed for them; they were taxed by the federal government without representation, and their local statutes were subject to review by Congress.

I use Congress as my primary means to evaluate American imperialism. Congress from its heady days as a colonial conference to its re-formation as a national parliament has been consistently imperial. In its early iteration, Congress pushed to defend and preserve the British Empire, albeit under new terms. As it transitioned into the government of a nation, it created an imperial structure over new US territories and exercised imperial power over those dependencies. Chapter I focusses on the revolutionary era. It looks at Continental Congress's relations with the greater British Empire and the shift towards independence and an American empire separate from Britain. Chapter II looks at the transition from the Congress of the Confederation to the federal Congress and the development of post-war imperial ideology and the adaptation

[15] Dumas Malone and Basil Rauch, *Empire for Liberty: The Genesis and Growth of the United States of America*, vol. 1, (New York, 1960), p. 211; Pagden, p. 115; Tucker and Hendrickson, *Empire of Liberty*, pp. 21, 161-62; Onuf, *Jefferson's Empire*, p. 55 (quoted).

of British colonialism into the US territorial system. Chapter III argues that the Louisiana Purchase was a continuation of imperial ideas and principles present in American political culture since the Revolution. Empire was not a rejection of America's founding principles but an expression of it.

CHAPTER ONE

Colonial Conference to Imperial Congress, 1774-1783

In 1757, Benjamin Franklin, a man who was born in Boston and ran away to Philadelphia at the age of 17, wrote of going 'home to England', a country he had last visited more than thirty years earlier.[16] Some historians have argued that Franklin struggled 'to be both a loyal Briton and an American patriot' or that he was uniquely 'the least American' of the Founders and 'had loved the empire as few Americans had'.[17] Without question, Franklin was well connected to the Empire. He served as the Deputy Postmaster General of all British America and used his connections to have his son appointed the Crown governor of New Jersey. He spent 18 years in London hobnobbing with political elites and the aristocracy, sent a printing press to the Leeward Islands and established the *Antigua Gazette*, and invested in 20,000 acres of land in Nova Scotia.[18] By 1762, he had been awarded the Sir Godfrey Copley Medal, elected a Fellow of the Royal Society, and given honorary doctorates from the University of St Andrews and the University of Oxford for his work on electricity.[19] He was an imperial celebrity. But, Franklin's affection for Britain and affinity for the British Empire was far from unusual and was shared by nearly all his fellow colonists. Even with the rumblings of Revolution in 1774, a visitor to Charleston, South Carolina observed that

[16] BF to William Parsons, 22 Feb. 1757, *BF Papers*, vol. 7, pp. 135-36.
[17] Walter Isaacson, *Benjamin Franklin: An American Life* (New York, 2003), p. 251; Gordon Wood, *The Americanization of Benjamin Franklin* (New York, 2005), pp. 9, 159.
[18] For BF's years in London, see Isaacson, pp. 43-51, 175-205, 219-89. Wilberforce Eames, 'The Antigua Press and Benjamin Mecom, 1748-1765', *Proceedings of the American Antiquarian Society*, vol. 36, (1928), pp. 303-48; Privy Council Order for a Grant of Land for BF, 26 June 1767, *BF Papers*, vol. 14, pp. 202-04.
[19] For BF as a scientist, see Joyce Chaplin, *The First Scientific American: Benjamin Franklin and the Pursuit of Genius* (New York, 2006).

'most People that are born in Carolina' continue to call England 'their home tho they have never been there'.[20] In the mid- to late-eighteenth century, the colonists of the Thirteen still saw Britain as their Mother Country and held themselves as enthusiastic members of the British Empire and the greater British nation.[21] They viewed the British, the Anglo-Irish, and the settlers of the West Indies and other British colonies as their brethren, fellow subjects, and countrymen.

Prior to 1776, American colonists considered themselves to be under the wisest constitution and freest system of government in the world. By contemporary European standards, British subjects possessed a considerable degree of civil liberty.[22] Even French *philosophe* Charles-Louis de Secondat, Baron de Montesquieu argued in *The Spirit of Laws* that Great Britain was the 'one nation…in the world, that has for the direct end of its constitution political liberty'.[23] The actions of Westminster in the 1760s and 1770s were seen by most Americans as threatening the rights and liberties of British subjects throughout the entire Empire, not just those in the New World. The transatlantic disputes were popularly understood in British America and other imperial peripheries to be the result of the machinations of corrupt Members of Parliament, the governing ministry, and their underlings. The colonists had no disagreement with the Crown or the people of Britain.

There was a complex entanglement of radical Whiggism with ardent loyalism in British America in the 1760s and 1770s. Disgruntled colonists asserted themselves as Britons across the sea. The various groups calling themselves the Sons of Liberty

---

[20] [Anonymous], 'Charleston at the end of the Colonial Era, 1774' in Harry Roy Merrens (ed.), *The Colonial South Carolina Scene: Contemporary Views, 1697-1774* (Charleston, 1977), p. 285.
[21] For the concept of greater Britain, see J.G.A. Pocock, 'British History, A Plea for a New Subject', *Journal of Modern History*, vol. 47, no. 4 (1975), pp. 601-21 and David Armitage, 'Greater Britain: A Useful Category of Historical Analysis?', *AHR*, vol. 104, no. 2 (1999), pp. 427-45.
[22] Eliga Gould, *The Persistence of Empire: British Political Culture in the Age of the American Revolution* (Chapel Hill, 2000), p. 14.
[23] Charles-Louis de Secondat, *The Spirit of Laws*, 4th edn., vol. 1, (Edinburgh, 1768), book 11, chap. 5, p. 196.

emphasised American entitlement to the rights of free-born Britons and celebrated the British Constitution as among the best in the world. Tellingly, the Union Jack was raised by the Sons of Liberty at many of their protests, a visual assertion of their loyalty to the Empire and the freedoms of the British Constitution.[24] As P.J. Marshall has noted, the 'ties of empire seem to have been growing stronger in the years immediately before the Revolution' rather than weakening. Economic, social, and intellectual trends tied Britain and America ever closer in the era leading to their separation.[25] Brendan McConville has convincingly shown that British America had become 'more overtly monarchical than England' and the colonists deeply revered the office and person of King George III.[26] Likewise, T.H. Breen has stressed that '[i]nsomuch as Americans during this period spoke the language of national identity, as opposed to that of different regions and localities, they did so as imperial patriots, as people whose sense of self was intimately bound up with the success and prosperity of Great Britain'.[27]

For eighteenth-century Britons, the term empire did not connotate corruption, oppression, or despotism as it does now. The British Empire was, as one writer put it in 1772, conceived of as 'one nation, united under one Sovereign, speaking the same language and enjoying the same liberty, but living in different parts of the world'.[28] It was by claiming membership in that community that American colonists were able to

[24] The 'Union Flag' was raised by anti-Stamp Act protestors in Boston in 1765: *Providence Gazette*, 24 Aug. 1765. The 'British Standard' was flown at Boston's Liberty Tree to celebrate the repeal of the Stamp Act in 1766 and 1768: *New-York Mercury*, 26 May 1766; supplement to *Boston Evening-Post*, 22 Aug. 1768. 'Union flags' were flown at similar Sons of Liberty events in other provinces, e.g., a New York Sons of Liberty commemoration in 1768 at Bardin's Tavern: *Massachusetts-Gazette*, 31 Mar. 1768.
[25] P.J. Marshall, 'Britain and the World in the Eighteenth Century: II, Britons and Americans', *Transactions of the Royal Historical Society*, vol. 9, (1999), p. 2.
[26] Brendan McConville, *The King's Three Faces: The Rise & Fall of Royal America, 1688-1776* (Chapel Hill, 2006), p. 138.
[27] T.H. Breen, 'Ideology and Nationalism on the Eve of the American Revolution: Revisions Once More in Need of Revising', *JAH*, vol. 84, no. 1 (1997), p. 27.
[28] Arthur Young, *Political Essays Concerning the Present State of the British Empire* (London, 1772), p. 1.

assert their equal claim to the rights of Englishmen.[29] As David Armitage has crucially proven, it was the colonists of the New World who first took to describing their community as the British Empire.[30] Empire was understood as a means of securing liberty and freedom rather than a tool to suppress it.

Wrapped up in this inclusive and positive notion of empire is the concept of Britishness. Scholars have noted that eighteenth-century Britishness was built on the pillars of Protestantism, commerce, and liberty. The British Empire was likewise seen as bound together in its united character as Protestant, commercial, maritime, and politically free.[31] Transatlantic British notions of liberty took on particular importance in the colonial disputes with the Mother Country following parliamentary taxation but Protestantism and commerce were also invoked by colonists in their complaints. The British constitution was held up as the ultimate foundation of liberty. Colonists asserted their equal entitlement to representative government, the writ of *habeas corpus*, and the protections of common law. They celebrated the right to trial by jury, the notion of taxation only by consent, and freedom from standing armies derived from Magna Carta and the 1689 English Bill of Rights.[32] Britons throughout the Empire believed the constitutional and legal arrangement of the British state uniquely enabled them to 'combine the classically incompatible ideals of liberty and empire'.[33] On the whole, Americans had not had a bad experience with empire under the British. Their problem

[29] David Armitage, *The Ideological Origins of the British Empire* (Cambridge [UK], 2000), p. 171; Onuf, *Jefferson's Empire*, p. 6.
[30] Armitage, *Ideological Origins*, pp. 171, 181-82.
[31] Linda Colley, *Britons: Forging the Nation, 1707-1837* (London, 1994), p. 18; Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge [UK], 1995), pp. 24, 161, 277; Jack Greene, 'Empire and Identity from the Glorious Revolution to the American Revolution' in P.J. Marshall (ed.), *The Oxford History of the British Empire*, vol. 2, (Oxford, 1998), pp. 212, 222; Armitage, *Ideological Origins*, p. 8; Gould, *Persistence of Empire*, p. 66.
[32] Harry Dickinson, 'Magna Carta in the American Revolution' in Lawrence Goldman (ed.), *Magna Carta: History, Context and Influence* (London, 2018), pp. 79-100; Greene, 'Empire and Identity', pp. 208-09; Gould, *Persistence of Empire*, p. 15.
[33] Armitage, *Ideological Origins*, p. 8.

stemmed from Parliament meddling in imperial affairs, not from the structure or nature of empire itself.

Conflict between the colonies and Britain further intensified after the introduction of a new tax on tea in May 1773 and ultimately erupted that December with the destruction of East India Company tea in Boston.[34] In the face of growing disorder and lawlessness in British America, Parliament passed a series of statutes in the spring of 1774 to re-assert control and punish dissidence. These Coercive Acts – the Boston Port Act, the Administration of Justice Act, the Massachusetts Bay Government Act, the Quartering Act, and the Quebec Act – were seen by many throughout the Empire as egregious in their punishment and unnerving for their political ramifications.

Westminster ordered Boston harbour, the largest port in New England, to be shut to all trade for the actions of a small band of citizens and it was to remain closed until indemnities were paid to the East India Company.[35] The Massachusetts Bay Government Act punished the entire province and effectively repealed the provincial charter and transferred power from the electorate to the Crown. The Council, which was formerly elected, was to be fully appointed by the King. The governor was granted new authority to remove judges from office without the consent of the Council. Town meetings, the cornerstone of local government and community organisation in New England, were banned unless given prior approval by the governor to sit.[36] The Administration of Justice Act allowed the trial of any official in Massachusetts Bay accused of committing capital offences while enforcing the revenue laws or suppressing

[34] 13 Geo. III c. 44. For an overview of the Boston Tea Party, see Benjamin Carp, *Defiance of the Patriots: The Boston Tea Party and the Making of America* (New Haven, 2010).
[35] 14 Geo. III c. 19.
[36] 14 Geo. III c. 45. For the role of towns and town government in Massachusetts Bay, see Michael Zuckerman, *Peaceable Kingdoms: New England Towns in the Eighteenth Century* (New York, 1970).

riots, to have his trial transferred to another province or Britain; a move which was viewed as absolving public officials of punishment for committing murder while enforcing odious tax laws and suppressing opposition.[37] The Quebec Act did not establish an elected assembly as promised in 1763 and instead vested all political power in an unelected Legislative Council and the royally appointed governor.[38]

The Coercive Acts paradoxically created a moment of seeming imperial unity which went beyond the colonies that became the first US states. The Irish press railed against these statutes and political associations like the Dublin Society of Free Citizens toasted their 'fellow subjects in America now suffering persecution for attempting to assert their rights and liberties'.[39] After the closure of Boston harbour in June, food, supplies, and other support poured in from throughout British America, including from the new colonies of Québec and Dominica in addition to the provinces which would become the United States.[40] In September 1774, long after the Boston Tea Party, Halifax merchant and provincial representative William Smith was removed from the Nova Scotia House of Assembly and stripped of his office as a justice of the Court of Common Pleas for protesting the arrival of East India Company tea in his colony.[41] The Assembly of Jamaica petitioned the King in late December denouncing the Coercive Acts, complaining that 'though we received these regulations of trade from our fellow subjects of England…we did not thereby confer on them a power of legislating for us, far less that of destroying us and our children, by divesting us of all rights and

[37] 14 Geo. III c. 39.
[38] 14 Geo. III c. 83.
[39] *Pennsylvania Evening-Post*, 5 Oct. 1775.
[40] Inhabitants of Québec City to BCD, 6 Sept. 1774; Inhabitants of LaChine to BCD, 11 Feb. 1775; Merchants of Montréal to BCD, 9 Feb. 1775; William Pearson to BCD, 8 Mar. 1775, MHS, BCD letterbooks, MS N-2038, vol. 2, ff. 29, 85, 99, 108.
[41] Sept. 1774, *The Diaries of Simeon Perkins, 1766-1780*, vol. 1, ed. Harold Innis, (Toronto, 1948), p. 83; *Massachusetts Spy*, [Boston], 13 Oct. 1774; *A Directory of the Members of the Legislative Assembly of Nova Scotia, 1758-1958*, ed. C. Bruce Fergusson, (Halifax, 1958), p. 325.

property'.[42] Private correspondence between Britain's New World colonies also attest to a sense of shared fate. In the summer of 1774, for example, the former Chief Justice of Bermuda, Dr George Forbes, wrote to a friend in Virginia that with the Coercive Acts 'Ministerial Chains are forged' which ought to alarm every 'subject to the British Empire on this side [of] the Atlantick'.[43] The apparent widespread discontent with parliamentary action throughout the British Empire encouraged Americans to take a pan-imperial approach for the resolution of their grievances. The Coercive Acts breathed new life into the belief that British freedom throughout the Empire was in peril. Though relations were strained, the colonists of mainland America had not given up on Britain or the Empire.

In response to Parliament's Coercive Acts, twelve of the mainland British colonies met together in an interprovincial summit to coordinate opposition. Historian Edmund Burnett notes that although the general congress was commonly called the "continental" congress, the continental moniker was 'at no time the official designation of the body'.[44] The name was merely descriptive, referring to the fact that all of its members came from colonies on the North American continent. Despite the common usage of that name, Congress was initially orientated towards the Atlantic and the greater British Empire. We are conditioned to think in terms of the Thirteen Colonies alone, but in 1774 the delegates sent addresses to the colonies of St Johns, Nova Scotia, and East and West Florida inviting them to a second meeting the following spring 'to preserve the freedom and happiness of the whole British empire'.[45] Eighteenth-century Americans lived in a world shaped and understood through and by the British Empire.

---

[42] *To the King's Most Excellent Majesty in Council The Humble Petition and Memorial of the Assembly of Jamaica,* [*Voted in the Assembly, on the 28th of December, 1774*] (Philadelphia, 1775), p. 6.
[43] Dr George Forbes to StGT, 31 July 1774, Swem Library, W&M, TCP, MS 40 T79, ser. 1, box 2, fold. 10, item 270.
[44] Edmund Burnett, *The Continental Congress* (New York, 1941), p. viii.
[45] *JCC*, vol. 1, p. 103.

In 1774, their world was one of 29 colonies, five Crown dependencies, and two kingdoms; a world with a shared history, political culture, and identity which was more expansive than what would ultimately become the United States.[46] Given that the colonists were the first to conceive of the British Empire as an inclusive community linked by a common sovereign, laws, political rights, language, religion, and identity, it should not be surprising that Congress invoked the Empire in its petitions, addresses, and debates. Furthermore, Americans had good reason to believe other provinces would support their efforts for reform of the colonial relationship with Westminster.

Congress initially saw its place within the British Atlantic and aimed to be a harmonising influence promoting mediation. The eighteenth-century definition of a congress was a 'meeting for settlement of affairs between different nations' or 'an assembly of commissioners…from several courts meeting to concert matters' and had no connotation of legislative capabilities.[47] It should not be assumed that the body intended to become an American parliament or a national government. Some delegates left for the 1774 summit to bands playing *God Save the King* and the firing of Royal Salutes.[48] When the delegates finally arrived in Philadelphia, they attended a banquet at the City Tavern – a genteel establishment meant to emulate London's fashionable meeting places – where toasts to King George III, Queen Charlotte, the Prince of Wales

[46] These are the Kingdom of Great Britain and the subordinate Kingdom of Ireland; the Crown dependencies of Jersey, Guernsey, Alderney, Sark, and the Isle of Man; the colonies of Gibraltar, Minorca, Newfoundland, St Johns, Nova Scotia, Québec, Massachusetts Bay, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, East Florida, West Florida, Bermuda, the Bahamas, Barbados, Jamaica, the Leeward Islands (Anguilla, Antigua, St Christopher's, Montserrat, Nevis, and the Virgin Islands), Grenada, St Vincent, and Dominica. I have not included Bengal as its first civil governor was appointed in 1773 under 13 Geo. III c. 63 and in this era lacked a significant British settler population; other company colonies like St Helena have also been excluded. Under the Act of Settlement (12 & 13 Will. III c. 2) the Crown of England (including its colonial and other dependencies) and the Princely Electorate of Hanover remained legally separate and distinct; Hanover was not considered part of the British Empire and its inhabitants were not considered fellow British subjects.

[47] 'Congress', *A Dictionary of the English Language*, ed. Samuel Johnson, vol. 1, 4th edn., (London, 1777), unpaginated; 'Congress', *Encyclopædia Britannica*, vol. 2, (Edinburgh, 1771), p. 265.

[48] Andrew O'Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of the Empire* (New Haven, 2013), p. 26.

and other members of the Royal Family were heartily drunk as was the hope that 'a Happy Reconciliation between Great-Britain and her Colonies' would be achieved 'on a constitutional Ground'.[49] More tellingly, the official printed journals of the 1774 congress were decorated with a frontispiece depicting a pillar of liberty resting on the foundations of Magna Carta and supported by the twelve member provinces – a lasting visual symbol of America's British identity and the summit's commitment to Anglo-Atlantic political culture (SEE FIG. 1). In 1775, Congress unofficially adopted a modified British red ensign as the naval jack of the Continental Navy, symbolising that while congressional forces were fighting the British Army and the Royal Navy, the people they were defending remained attached to Britain. Although a naval jack, the design was quickly embraced by the colonists and appeared on the paper notes printed by the Provincial Congress of North Carolina (SEE FIG. 2) and was flown over the Capitol Building in Williamsburg, Virginia.[50] Even in late March 1776, when Richard Henry Lee motioned for a resolution 'wherein the King was made the Author of our Miseries instead of the Ministry' it was strongly 'opposed on Supposition that this was effectually severing the King from Us forever' and struck down by the other delegates.[51]

Prior to July 1776, the delegates appealed to constituent parts of the Empire in the hope of gaining sympathy and additional allies to lobby on America's behalf. The congressional appeals to Britain, Ireland, Québec, and Jamaica were addressed to 'brethren', 'fellow-subjects', and 'countrymen', asserted loyalty to 'our common

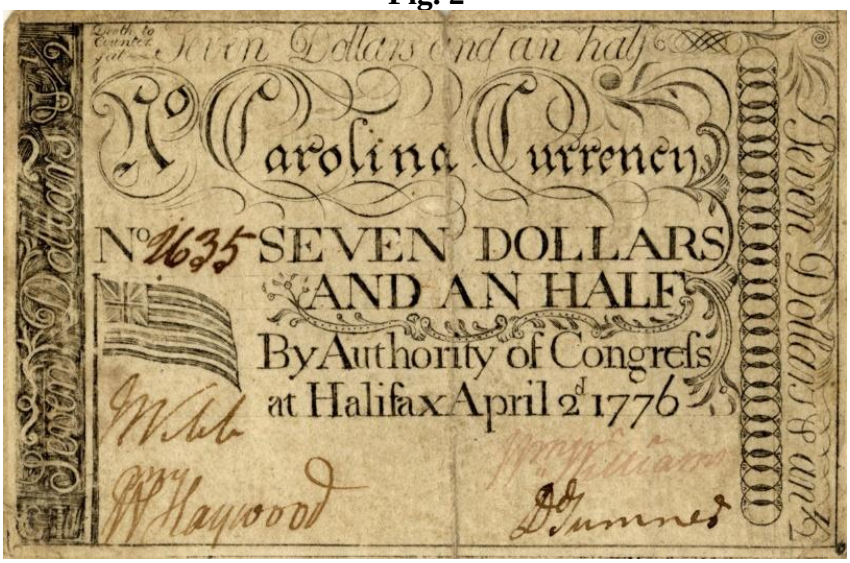
[49] *Pennsylvania Packet*, 19 Sept. 1774; *Nova-Scotia Gazette*, 18 Oct. 1774; Peter Thompson, *Rum, Punch, and Revolution: Taverngoing and Public Life in Eighteenth-Century Philadelphia* (Philadelphia, 1999), pp. 146-53.
[50] Naval Committee to Virginia Convention, 2 Dec. 1775, *LDC*, vol. 2, p. 544; *Virginia Gazette*, (Dixon & Hunter), 2 Mar. 1776; *Virginia Gazette*, (Purdie), 17 May 1776; RHL to JA, 18 May 1776, *Adams Papers*, PJA, vol. 4, p. 194.
[51] 22 Mar. 1776, Richard Smith Diary, *LDC*, vol. 3, p. 427.

Fig. 1



Frontispiece from the *Journal of the Proceedings of the Congress* (Philadelphia, 1774).

Fig. 2



North Carolina Currency Seven and ½ Dollar Note, 2 Apr. 1776, Gertrude Carraway Library, New Bern, NC, Tryon Palace Collections, TP.1986.033.001.

Sovereign', and denounced accusations of independence. The tendency among historians has been to look at Continental Congress as inward facing, concerned with nation building, encouraging republican simplicity and morality, and on an inevitable march to the Declaration of Independence. David Ammerman, for example, has wrongly equated colonial resistance to Parliament with being 'anti-British'.[52] Even T.H. Breen has anachronistically referred to the 1774 Continental Congress as 'a national assembly' and John Ferling has characterised the restrictions of the Continental Association as 'a national boycott of British trade' when the only nation the delegates recognised was the imperial British state.[53] The assumption of nation building has overshadowed Congress's attempts to make common cause with the wider British Empire beyond the Thirteen.[54] Congress's early appeals show a total investment in the British Empire and highlight that the conflict was rooted in ministerial and parliamentary intervention into imperial affairs.

In a February 1775 letter to a Virginian barrister living in London, Dr Joseph Warren – a member of the Massachusetts Provincial Congress who would later be killed in the Battle of Bunker Hill – reported that 'the People have yet a very warm Affection for the british Nation' and believed themselves to be 'loyal Subjects to the King' and 'conceive that they do not swerve from their Allegiance by opposing any Measures taken by any man or set of men, to deprive them of their Liberties'. It was the ministry,

[52] David Ammerman, *In the Common Cause: American Response to the Coercive Acts of 1774* (Charlottesville, 1974), p. x.
[53] T.H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (Oxford, 2004), p. 326; John Ferling, *Independence: The Struggle to Set America Free* (New York, 2011), p. 67.
[54] Examples of histories of Continental Congress which ignore attempts to make common cause with parts of the British Empire beyond the Thirteen are: Ammerman, *In the Common Cause*; Benjamin Irvin, *Clothed in Robes of Sovereignty: The Continental Congress and the People Out of Doors* (Oxford, 2011); Jack Rakove, *The Beginnings of National Politics: An Interpretive History of the Continental Congress* (New York, 1979). While Burnett mentions the addresses to Québec and Ireland, he does so only in passing and says nothing of their content: Burnett, p. 85.

Warren wrote, that the people viewed as 'the King's Enemies'.[55] American resistance was at the same time an act of loyalty to the King, the Constitution, and the British Empire as it was an act of defiance against Parliament. The delegates to Congress assumed that Britons throughout the Empire from Ireland to Barbados and at home in Britain would share this analysis. Even after the Battle of Bunker Hill, American colonists preferred to refer to the British soldiers as the 'Ministerial Army' rather than the King's Troops (the standard parlance for the British Army at the time) refusing to believe that the Crown would attack British subjects.[56]

Although the Battle of Lexington and Concord is often seen as the start of the War for Independence, the conflict spurred a swell in British imperial identity among Americans before giving way to separation. The Second Congress expanded its imperial view and the 1775 draft of the Articles of Confederation envisioned 'Ireland, the West India Islands, Quebec, St. Johns, Nova Scotia, Bermudas, and the East and West Floridas' joining together with the American Thirteen.[57] Rather than turning away from the Empire, Congress turned more aggressively towards it. Congress asserted that the American colonists were the co-agents of imperial expansion alongside the Mother Country and the delegates proudly referred to 'the Wounds we have received fighting by your Side for the extension of the Empire' during the Seven Years' War.[58] The delegates initially operated firmly within an imperial and Atlantic framework and notably rejected a petition from the inhabitants of Transylvania (an area now located in Kentucky) asking to attend Congress as a separate colony because the settlement

[55] Joseph Warren to Arthur Lee, 20 Feb. 1775, Small Spec. Coll. Lib., UVa, Charlottesville, VA, Lee Family Papers, MS 38–112, box 5.
[56] Usage of this phrase can be found in TJ to Francis Eppes, 26 June 1775, *TJ Papers*, vol. 1, pp. 174-75; Watertown Committee of Safety Account of the Battle of Bunker Hill, 25 July 1775, *Adams Papers*, PJA, vol. 3, pp. 94-100; JA, Silas Deane, and George Wythe to James Otis, 24 Oct. 1775, MHS, Warren-Adams Papers, P-164, fo. 98; *JCC*, vol. 4, p. 86; GW to John Hancock, 27 Mar. 1776, *GW Papers*, RWS, vol. 3, pp. 548-49.
[57] *JCC*, vol. 2, p. 198. St Johns was renamed Prince Edward Island in 1799.
[58] *JCC*, vol. 2, p. 170.

violated the Royal Proclamation of 1763. The delegates furthermore accused the Transylvanians of harbouring 'Republican Notions'.[59] Congress can thus be described as an imperial body in terms of its scope and intentions. Congress came into existence because of an imperial crisis and engaged fundamentally with concepts of empire, eventually coming to act as an imperial player.

Thomas Jefferson declared after the battles of Lexington and Concord, Bunker Hill, and the invasion of Québec – only seven months prior to when he would draft the Declaration of Independence – that 'there is not in the British empire a man who more cordially loves a Union with Gr[eat] Britain than I do. But by the god that made me I will cease to exist before I yeild to a connection on such terms as the British parliament propose and in this I think I speak the sentiments of America. We want neither inducement nor power to declare and assert a separation'.[60] American Patriot-Rebels came, begrudgingly, to accept that it was no longer possible to remain within the British Empire and embraced the idea of complete separation from Britain.

The Revolutionary War began as an uprising to save the British Empire and unsurprisingly the American break from empire in 1776 was not clean. A month before the Declaration of Independence, the Committee of Safety for Berkshire County, Massachusetts Bay wrote to General Washington pledging their support 'against the Tyranny & Usurpation of Great Britain' and 'the building up a distinct Republic, or American Empire, to the last Extremity'.[61] In a speech delivered in Congress in August on the eve of signing the Declaration of Independence, Samuel Adams declared 'by the beneficence of Providence, we shall behold an Empire arising, founded on Justice and

[59] JA, Diary, 25 Oct. 1775, *LDC*, vol. 2, p. 250.
[60] TJ to John Randolph, 29 Nov. 1775, *TJ Papers*, vol. 1, pp. 268-70.
[61] Berkshire County Committees of Safety & Inspection to GW, 7 June 1776, *GW Papers*, RWS, vol. 4, pp. 448-51.

the voluntary Consent of the People'.[62] Similarly, William Henry Drayton, the Chief Justice of South Carolina, and a future delegate to Continental Congress, announced that in the Declaration a 'DECREE is now gone forth, NOT to be recalled! And, thus has suddenly arisen in the World, a new Empire, stiled The United States of America. An Empire that…bids fair, by the Blessing of God, to be the most glorious of any upon Record'.[63] The idea of an American empire independent of Britain was extremely popular and a brigantine in the Massachusetts State Navy was named *Rising Empire* in honour of this emerging notion.[64] With the Declaration of Independence, the Revolution became a war for a sovereign American empire. And, with independence, the United States shifted from seeking to make common cause with other parts of the British Empire to attempting to absorb them into the Republic. Americans' most intimate understanding of empire came from their experience as part of the British Empire. The American Empire was to be in the mould of Britain's but improved.

This chapter argues that the American Congress was imperial in two senses. Between 1774 and 1776, it initially acted in defence of the British Empire and sought to retain a place for British America within the greater British nation. For a time, the War was largely understood by Americans as a rebellion against a corrupt ministry. In this first phase, Congress appealed to the people of the greater British Empire as fellow subjects of Britain and George III hoping to build a louder voice lobbying for imperial reform. As tensions grew increasingly strained between the United Colonies and the rest of the British Empire, Congress drifted towards independence and subsequently became the legislative body of a new empire. In its second phase, Congress took the charge to encompass Britain's old empire under its own imperial structure. This chapter

[62] SA, *An Oration Delivered at the State-House, in Philadelphia, to a Very Numerous Audience; on Thursday the 1st of August, 1776* (London, 1776), p. 33.
[63] William Henry Drayton, *A Charge on the Rise of the American Empire* (Charlestown, 1776), p. 10.
[64] *Massachusetts Soldiers and Sailors of the Revolutionary War*, vol. 16, (Boston, 1907), p. 1027.

is built around three case studies focussing on Ireland, Bermuda, and Québec to showcase Congress's development from a summit to the directing power of an independent American empire.

Ireland: Making Common Cause Across the Atlantic

Britain's colonists in America looked to Ireland throughout the eighteenth century. They viewed the Anglo-Irish as their fellow subjects and counterparts, but the manner in which Americans looked to Ireland changed rapidly by the time Continental Congress met in 1774. The political relationship between Ireland and Britain was initially seen as a potential model to resolve the stand-off between the American colonies and the Mother Country. Benjamin Franklin had used Ireland as his model when he drew up his popular Plan of Union in 1754.[65] However, with the rise of a belief in a ministerial conspiracy following the American Stamp Act, colonists came to see the Irish as fellow victims of British ministerial abuse and looked at Irish grievances to contextualise their own treatment by Whitehall and Westminster. As tensions intensified, Americans came to see Ireland as a potential source of political mobilisation and support culminating with Congress's address to the people of Ireland in 1775.

Ireland was a kingdom but it was – as seventeenth-century jurist Sir Matthew Hale noted – '*regnum sub graviore regno*, a subordinate kingdom'.[66] Ireland was not a colony, but, like the American provinces, was a dependent territory within the British Empire and subject to English parliamentary legislation.[67] In response to the 1764 Sugar

[65] John Phillip Reid, *Constitutional History of the American Revolution*, vol. 2, (Madison, 1987), pp. 147-57; McConville, pp. 227-32. For BF's use of Ireland as a model for his 1754 Plan of Union, see Timothy Shannon, *Indians and Colonists at the Crossroads of Empire: The Albany Congress of 1754* (Ithaca, 2000), pp. 193-4, 229-30.
[66] Sir Matthew Hale, 'The Prerogatives of the King' in D.E.C. Yale (ed.), *Publications of the Selden Society*, vol. 92, (London, 1976), p. 35.
[67] Hale, however, cautioned 'how far English parliaments might…impose taxes upon the Irish without their consent in their parliament, I shall not proceed to determine, because I find no practice thereof to lead me', ibid., p. 39.

Act, James Otis of Boston wrote *The Rights of the British Colonies Asserted and Proved* utilising the Irish analogy to challenge Parliament's authority to tax and highlight the inequity of America's relationship to Westminster. Otis conceded that the British Parliament 'has an undoubted right, as well as power' to legislate for Ireland and America, but did not believe this authority extended to taxation. '[T]he spirit of the British constitution', he argued, 'must make an exception of all taxes, until it is tho't fit to unite a dominion to the realm'; to do otherwise would disenfranchise the British subjects of territories overseas.[68] Ireland, though conquered, had the privilege of its own parliament and could not be directly taxed by Westminster; 'can it be right they should tax *us*, who have never been *conquered*, but came from England to *colonize*'. Otis contended that the colonies ought 'to be represented in parliament, or to have some new subordinate legislature among themselves'.[69] In effect, Otis wanted Britain to treat the colonies like Ireland or admit them to Westminster. The Assembly of Connecticut similarly conceded in the same year that Westminster had 'a supreme Jurisdiction over all His Majesty's Subjects' but argued this did not extend to taxation and asserted that because 'in Ireland, Taxes are laid by the Parliament of that Kingdom' the colonies and their assemblies ought to be treated likewise.[70]

Since the passage of the American Stamp Act in 1765, the colonists believed in a ministerial conspiracy to destroy liberty and undermine the rights of free Britons in America and the wider Empire. For example, Reverend Stephen Johnson of Lyme, Connecticut saw the stamp tax as part of a growing trend of ministerial authoritarianism and indifference to constitutional rights: 'the power of the M[inistr]y is already so great, as…to endanger the liberties of Great Britain'. Johnson argued the precedent

[68] 4 Geo. III c. 15.
[69] James Otis, *The Rights of the British Colonies Asserted and Proved* (Boston, 1764), pp. 61, 45, 35.
[70] *Reasons Why the British Colonies in America Should Not Be Charged with Internal Taxes* (New Haven, 1764), pp. 4-5.

established by the Stamp Act threatened the entire Empire and had the potential to 'equally affect the subjects in Britain and Ireland'. It was only because of constitutional ambiguity that Westminster did not directly tax Ireland and Johnson warned that such 'inexpediency is already over ruled in this taxing of America: and if this succeeds…the inexpediency will soon be got over as to Ireland also'.[71] Johnson's immediate audience was Connecticut; he was not writing for Britain or Ireland and his discourse represents genuine fear.

Ireland was commonly invoked during parliamentary debates on colonial taxation, reinforcing American analogies to Ireland. Notably, as part of the repeal of the Stamp Act, Westminster passed a declaratory act modelled on Ireland's containing the same clause asserting it 'had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind' the colonies and people of America.[72] Neither the Irish nor the American Declaratory Act mentioned taxation and, as evidenced by Otis and Reverend Johnson, Americans were aware of Westminster's limited authority over Ireland. Assured by this, Franklin wrote to a friend in Philadelphia confident that the Declaratory Act 'is merely to save Appearances, and to guard against the Effects of Clamour made by the late Ministry…and I think we may rest secure…that no future Ministry will ever attempt to tax us, any more than they venture to tax Ireland'.[73] Irish precedent eased American fears until the passage of the Townshend Duties in 1767 after which the unique clause in the American Declaratory

[71] *New London Gazette*, 1 Nov. 1765.
[72] 6 Geo. I c. 5; 6 Geo. III c. 12.
[73] BF to Joseph Fox, 1 Mar. 1766, *BF Papers*, vol. 13, pp. 186-87. On Westminster's relative caution with legislation affecting Ireland, see Jack Greene, *Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607-1788* (Athens [GA], 1986), pp. 61-62.

Act expressing Parliament's power to 'bind in all cases whatsoever' came to be seen as instituting greater subordination.[74]

As disputes continued through the decade, Americans increasingly saw Irish contentions as linked to their own. The revenue raised by the Townshend Duties funded the salaries and pensions of colonial governors and judges, making them more dependent on the ministry. John Dickinson noted in *Letters from a Pennsylvania Farmer* that Ireland was 'cruelly treated by ministers in the article of *pensions*' and from the 'conduct towards *Ireland*, in open violation of law, we may easily forsee what we may expect, when a minister will have the whole revenue of *America* in his own hands'.[75] American grievances were understood to be part of the same problem faced by Ireland. In 1774, after news the Lord Lieutenant the 1st Earl Harcourt pressed the Irish Parliament to levy taxes to fund the salaries of ministry appointed officials, the *Boston Gazette* urged 'AMERICANS! *Beware of the deplorable State of your long-abused Brethren of Ireland*'.[76] Mainland colonists were not alone in viewing Ireland as an omen. In 1765, Nicholas Bourke of Jamaica publicly accused the ministry of undermining colonial liberties and argued Poynings' Law and the 'Fate and Condition of Ireland shou'd be a Document and Warning to all the Colonies'.[77]

The Anglo-Irish, like British Americans, thought of themselves as Britons living abroad. Like Whigs in Britain and America, the Anglo-Irish celebrated the rights of Englishmen and glorified Magna Carta. Although Ireland had its own version of the

[74] On the reaction to the additional clause in the American statute, see [John Joachim Zubly], *An Humble Enquiry into the Nature of the Dependency of the American Colonies upon the Parliament of Great-Britain* (Charleston, 1769), pp. 8-10.
[75] [John Dickinson], No. 10, *Letters From a Farmer in Pennsylvania to the Inhabitants of the British Colonies* (New York, 1768), pp. 81-2, 85.
[76] *Boston Gazette*, 14 Mar. 1774.
[77] [Nicholas Bourke], *A Letter Concerning the Privileges of the Assembly of Jamaica* (Kingston, 1765), p. 27.

Great Charter – Magna Carta Hiberniæ – the Irish revered the English charter.[78] One eighteenth-century Irish politician went so far as declaring 'I choose to carry my Claim for a *British* Constitution to this Kingdom' not on 'the *Irish Magna Charta*' but on the 'great charter of *John*'.[79] Americans and the Anglo-Irish shared an imperial political identity centred on Protestantism, reverence for the rights of free-born Englishmen, the common law, and loyalty to a common sovereign.

The Anglo-Irish saw themselves as engaged in a colonial endeavour and since the seventeenth century likened their position to that of their counterparts colonising America.[80] This continued into the eighteenth century and segments of Ireland's Protestant Ascendancy saw dangerous precedent in the parliamentary and ministerial treatment of Americans and understood their own disputes with Britain on similar terms. Notably, during the debate to repeal the American Stamp Act in February 1766, Robert Nugent, an Irish-born Bristol MP and former Vice-Treasurer of Ireland, warned 'the earthquake in North America will shake all his Majesty's dominions. Some vibrations have been felt in Ireland'.[81] One such tremor was Charles Lucas, a Dublin member of the Irish House of Commons. In 1765, Lucas published an open letter to his constituents against the Heads of a Bill[82] which had been altered in 'so ANTICONSTITUTIONAL a Nature' by the Irish Privy Council to grant the British

[78] Peter Crooks, 'Exporting Magna Carta: Exclusionary Liberties in Ireland and the World', *History Ireland*, vol. 23, no. 4 (2015), pp. 14-17.
[79] Charles Lucas, *The Liberties and Customs of Dublin Asserted and Demonstrated* (Dublin, 1768), p. 36.
[80] Nicholas Canny, 'Identity Formation in Ireland: The Emergence of the Anglo-Irish' in Nicholas Canny and Anthony Pagden (eds.), *Colonial Identity in the Atlantic World, 1500-1800* (Princeton, 1987), pp. 159-60.
[81] Nathaniel Ryder, 'The Parliamentary Diaries of Nathaniel Ryder, 1764-1767' in P.D.G. Thomas (ed.), *Camden Miscellany*, no. 23, 4th ser., vol. 7, (London, 1969), p. 290.
[82] Heads of Bills were legislative initiatives originating in the Irish House of Commons; under Poynings' Law (10 Hen. VII c. 4) official bills had to originate in the Irish Privy Council. Heads of Bills, if passed, were forwarded to the Irish Privy Council where they were approved, rejected, or amended and returned to Parliament. Additionally, Irish legislation was sent to the British Privy Council in London for approval before becoming law.

ministry the power to unilaterally invalidate existing legislation. Lucas compared the alteration in the Heads of Bill to the struggles of Americans against the Stamp Act: 'those Colonies have of late had those BADGES of Slavery fixed upon them…Though a BRITANNIC CONSTITUTION and Laws had been granted them, they are now fatally bound by laws, to which they neither did, nor could assent or Consent…IRELAND [is] avowedly and openly threatened with the *like* Measures by the *same* Hands'.[83]

Lucas's writings crossed the Atlantic and quickly gained the affection of Americans.[84] They celebrated him as a champion defender of British liberty. The New York Sons of Liberty drank to Lucas as 'the Patriot of Ireland' at the 1770 anniversary of the repeal of the Stamp Act.[85] After the Boston Massacre, officials from that town wrote to solicit his 'Interposition and Influence' to voice their concerns and 'frustrate the Designs of certain Men…plotting the Ruin of our Constitution and Liberties'.[86]

Lucas's was not the only voice in Ireland making common cause with America. In 1768, Henry Flood, leader of the Irish Patriot Party, wrote in what appears to be a response to Dickinson's *Letters from a Farmer* that the Anglo-Irish 'have been treated, of late, not as the *Children*, but as the *Bastards* of our Mother Country…Your Circumstances, and ours' are 'exactly the same'.[87] The following year, Hercules Langrishe, an MP for Knocktopher in County Kilkenny, published *Considerations on*

[83] Charles Lucas, *To the Right Honorable the Lord-Mayor, the Alderman, Sheriffs, Commons, Citizens, and Freeholders of Dublin, The Address of Charles Lucas, M.D.* (Dublin, 1765), pp. 6-7.
[84] Patrick Griffin, 'America's Changing Image in Ireland's Looking-Glass: Provincial Construction of an Eighteenth-Century British Atlantic World', *JICH*, vol. 26, no. 3 (1998), pp. 28-49.
[85] *The…Patriotic Toasts…to Celebrate the Anniversary of the Repeal of the Stamp-Act* ([New York, 1770]); for other examples, see Supplement to *Boston Gazette*, 12 June 1769.
[86] *A Letter from the Town of Boston, to C.Lucas, Esq* (Dublin, [1770]), pp. 3, 5.
[87] [Henry Flood], *A Letter from a Native of Barataria, to his Friend in Pensylvania* [sic] (Dublin, 1768), p. 6. Flood's *Letter* was written in reply to an 'anxious letter' and refers to alarm at 'the Measures you have so accurately pointed out' and may be a response to Dickinson's *Letters from a Farmer in Pensylvania* [sic] (Dublin, 1768). Barataria was the name of an island in Cervantes's *Don Quixote* (1605) and used in eighteenth-century satire as a veiled reference to Ireland; e.g., a collection of political commentary written by Flood, Henry Grattan, and Hercules Langrishe was published as *Baratariana* (Dublin, 1777).

the Dependencies of Great-Britain which sympathised with the American contention representation was requisite for taxation and held 'the first violation of *American liberty*' to be the Stamp Act.[88] There was a vibrant transatlantic dialogue between British America and Ireland in the mid-eighteenth century.

Although printed in response to the first Irish Stamp Act,[89] the *St Patrick's Anti-Stamp Chronicle* made repeated reference to the resistance in British America a decade earlier. The *Anti-Stamp Chronicle* compared Lord Lieutenant Harcourt to American governors denounced for corruption and misrule: 'How differently have the Americans, (tho' brave and high Spirited) been [ab]used? What a contrast between *their* Excell[encie]s, or Gov[erno]rs, and ours?…witness a Ber[nar]d, an Hutch[inso]n, an O[live]r'.[90] Sir Francis Bernard was Governor of Massachusetts Bay during the Stamp Act crisis; Thomas Hutchinson, the Lieutenant Governor, succeeded him in 1771, and deposed stamp distributor Andrew Oliver replaced Hutchinson as Lieutenant. The reference to Governor Bernard has additional significance given the outcry following his appointment to the Irish Revenue Board in 1772. Sir William Mayne of Carysfort, County Wicklow argued in the Commons that 'a regular plan was laid down for enslaving this nation' by Bernard's appointment and described the former governor as 'a fit Tool to fetter the people of Ireland' given his experience in 'arbitrary tyrannick proceedings' against 'our American fellow subjects'.[91]

The passage of the Coercive Acts unnerved the Anglo-Irish. In July 1774, Dublin's Society of Free Citizens, a Patriot-Whig organisation, toasted not only the

[88] Hercules Langrishe, *Considerations on the Dependencies of Great-Britain* (Dublin, 1769), pp. 76, 84. Langrishe was a friend of BF and visited him in London in 1769 and it is likely that BF returned the favour during his 1771 tour of Ireland, see James Nolan, *Benjamin Franklin in Scotland and Ireland, 1759 and 1771* (Philadelphia, 1938), p. 132.
[89] 13 & 14 Geo. III c. 6 (Irish).
[90] *St Patrick's Anti-Stamp Chronicle*, [Dublin], 24 June 1774, p. 39.
[91] *Boston Gazette*, 9 Mar. 1772.

'*Stamp* of the Beast on the framers of the [Irish] Stamp Act' but also drank to a repeal of the Quebec Act and the hope that 'Providence support our *oppressed* Brethren in America'.[92] Hugh Baillie, a justice of the Irish Court of Admiralty, was critical of the Boston Port Act and the Massachusetts Bay Government Act, writing that 'to block up the town – to deprive them of trade, and to take away the charter privileges of the whole province…cannot be defended from any principle in reason'. He likewise denounced the Quebec Act, charging it with instituting an 'entirely arbitrary' government which 'has not the look of a government established by the king of a free people'.[93] The *Freeman's Journal*, one of Dublin's major newspapers, urged Irishmen to 'rouse yourselves! the fire of despotism is broke out; your neighbours houses are in a blaze, and it is high time you should look after your own' and declared the Quebec Act 'has taken off the long-worn mask, and shewed us the bare face of tyranny'.[94] The *Anti-Stamp Chronicle* similarly cautioned that in the Boston and Quebec Acts 'we may see, to how many *Perils*, our excellent Constitution, our Civil and Religious Liberties, are exposed'. The *Chronicle* urged its readers to 'BRAVELY ASSERT THEIR RIGHTS; or…DARE TO DIE, *in the Defence of them*' and assured a 'truly *Patriot Prince* will Glory in Subjects thus attached to LIBERTY'.[95] Both peoples complained of the interventions of Westminster and the British ministry into their domestic affairs. The potential for British Americans to make common cause with Protestant Ireland was there. In Ireland, as in America, resistance in defence of liberty was construed as an expression of fealty to the King and constitution, not an act of rebellion. Ireland's

[92] *Freeman's Journal*, [Dublin], 19-21 July 1774. For more on the Society of Free Citizens, see Bob Harris, 'The Patriot Clubs of the 1750s' in James Kelly and Martyn Powell (eds.), *Clubs and Societies in Eighteenth-Century Ireland*, (Dublin, 2010), pp. 225-32; Martyn Powell, 'The Society of Free Citizens and Other Popular Political Clubs, 1749-1789', ibid., pp. 244-55.
[93] Hugh Baillie, *A Letter to Dr Shebear: Containing a Refutation of his Arguments Concerning the Boston and Quebec Acts of Parliament* (London, 1775), pp. 23-4.
[94] *Freeman's Journal*, [Dublin], 2-5 July 1774.
[95] *St Patrick's Anti-Stamp Chronicle*, 24 June 1774, pp. 39-40.

Patriots, like many Americans in 1774, did not want full independence from Britain. They both wished to remain in the British Empire, but wanted it purged of corruption. Differences over the means of achieving that reform, however, would come to cause friction between America and Ireland.

In light of Ireland's struggle with the British ministry and Irish awareness of provincial grievances, colonists increasingly believed 'Ireland is strongly in favour of the American cause'.[96] After travelling to Ireland in the early 1770s, Benjamin Franklin found the Anglo-Irish 'dispos'd to be Friends of America' and believed 'our growing Weight might in time be thrown into their Scale, and, by joining our Interest with theirs, might be obtained for them as well as for us, a more equitable Treatment' from Great Britain. There was a standing rule of the Irish House of Commons to admit visiting MPs from Westminster to the floor of the House rather than sit in the galleries. When Franklin visited in 1771, the Commons voted to 'consider the American Assemblies as English Parliaments' with a 'loud unanimous *Aye*' and admitted Franklin to the floor. Franklin wrote of this grand gesture as 'a Mark of Respect for our Country, and a Piece of Politeness in which I hope our Parliaments will not fall behind theirs, whenever an Occasion shall offer'.[97]

Congress's Address to the People of Ireland

The belief that Ireland shared America's suffering fostered hope that Irishmen could be mobilised into political action. While Patrick Griffin argues that after 'Lexington and Concord…Ireland lost its lustre, and Americans relegated the kingdom to a lower rung on the peripheral ladder', the actions of the Second Congress suggests otherwise.[98] Convening after the Battle of Lexington and Concord, the Second

[96] *Virginia Gazette*, (Purdie & Dixon), 6 July 1769.
[97] BF to Thomas Cushing, 13 Jan. 1772, *BF Papers*, vol. 19, pp. 16-24.
[98] Griffin, 'Ireland's Looking-Glass', p. 30.

Congress drafted an early version of the Articles of Confederation which envisioned 'Ireland, the West India Islands, Quebec, St. Johns, Nova Scotia, Bermudas, and the East and West Floridas' joining together with the American Thirteen to form a confederation which would exist within the British Empire.[99] Despite the involvement of Anglo-Irish soldiers in the 1770 Boston Massacre and the participation of the Royal Irish Regiment (18th Regiment of Foot) in both Lexington and Concord and Bunker Hill in 1775, Ireland did not lose its place in the minds of British Americans. Writing on the day of Bunker Hill, Massachusetts delegate Robert Treat Paine optimistically believed in continued wide-spread Anglo-Irish support for America and reported that although the British ministry 'are determined to push', the people 'in Ireland seem more disposed to favour us'.[100]

In June 1775, Congress decided to write an address to the people of Ireland which was completed in late July. The committee that drafted the appeal consisted of James Duane of New York, William Livingston of New Jersey, and John and Samuel Adams of Massachusetts Bay.[101] Historian Owen Dudley Edwards has wrongly suggested the impetus behind the Irish address was 'not so much to make use of Ireland's intervention…as forthrightly to tell the world, which Ireland in this instance represented, the reasons for taking up arms'.[102] The delegates addressed the Irish not as citizens of the world but as 'fellow-subjects' and 'members of the British Empire'.[103] Ireland was not conceived as part of the broader world and Congress had issued a declaration on the causes and necessities of taking up arms earlier in July.[104] The

[99] *JCC*, vol. 2, p. 198.
[100] RTP to David Cobb, 17 June 1775, *Papers of Robert Treat Paine*, vol. 3, ed. Edward Hanson, (Boston, 2005), p. 62.
[101] *JCC*, vol. 2, p. 80.
[102] Owen Dudley Edwards, 'The American Image of Ireland: A Study of Its Early Phases' in *Perspectives in American History*, vol. 4, (Cambridge [MA], 1970), p. 231.
[103] *JCC*, vol. 2, p. 213.
[104] The Declaration of Taking Arms justified the American reasons for arming themselves and TJ had the declaration translated into Italian which was likely sent to Grand Duke Leopold I of Tuscany who in

address was meant to serve as a clear statement of American grievances and intentions unadulterated by British officials to enable Ireland to judge 'our conduct with accuracy, and determine the merits of the controversy with impartiality' in order to gain 'the good offices of our fellow-subjects beyond the Atlantic'.[105]

Much of the address sought to convince the Irish that American complaints were similar to theirs and to see the crisis as an equal threat to Ireland. The delegates laid out American grievances simply: 'Taxes, for the first time since we landed on the American shores, were, without our consent, imposed upon us; an unconstitutional edict to compel us to furnish necessaries for a standing army, that we wished to see disbanded, was issued; and the legislature of New York suspended for refusing to comply with it…Wicked and insidious Governors have been set over us…Judges were rendered, by the tenure of their commissions, entirely dependent on the will of a Minister'.[106] New York's refusal to maintain a standing army had a powerful parallel in contemporary Irish politics. In May 1768, the Lord Lieutenant addressed the Dublin Parliament on behalf of the King and the Chatham Ministry requesting military postings in Ireland be augmented to 15,000 men. The Commons rejected the request. MPs acknowledged their gratitude 'for his Majesty's gracious Attention to the Defence of this Kingdom' but could not assent.[107] Although the Commons officially cited debt, Charles Lucas argued the greatest objection was not the additional burden put on a people 'sunk already almost irretrievably in debt', but the 'Certainty that an Armed Force, more than sufficient for the absolute Defence of the Kingdom, must sooner or later…prove Fatal

1790 became Holy Roman Emperor Leopold II. In December 1775, BF wrote to Philip Mazzei that 'I am myself much pleas'd that you have sent a Translation of our Declaration to the Grand Duke', this is almost certainly the Declaration of Taking Arms, see *BF Papers*, vol. 22, pp. 308-10.

[105] *JCC*, vol. 2, pp. 213, 218.

[106] Ibid., p. 213.

[107] *CJ.Ire.*, vol. 8, pp. 259-61.

to Civil Liberty'.[108] Effectively, Ireland refused to levy new taxes to pay for troop increases. While New York had initially refused to raise money to support the Quartering Act, it capitulated after Parliament passed the Restraining Act threatening to suspend the assembly all together.[109]

The address asserted the existence of a ministerial conspiracy 'to convert us from freemen into slaves' and 'iniquitous schemes of extirpating liberty from the British empire'.[110] The appeal held that the ministry's policy toward America set a precedent that, if unchallenged, would threaten Ireland; if the ministry succeeded in 'pulling down the pillars of the constitution' and established despotism in America 'Ireland may shudder at the consequences!'[111] Congress believed the resolution of colonial grievances would prevent further Irish suffering.

The delegates made clear that although armed resistance had begun, Americans 'wish for reconciliation' and when 'hostilities cease on the part of the aggressors, they shall cease on our part also'.[112] Congress defended the colonists against the charges of the ministry, defiantly asserting that '[t]hough defamed as seditious, we are ready to obey the laws. And though charged with rebellion, will cheerfully bleed in defence of our Sovereign in a righteous cause'.[113] Many Americans genuinely believed they were fighting against a corrupt ministry in defence of King and Empire. George Washington privately wrote of the skirmishes in 1775 as engagements against 'the Ministerial Troops' explaining 'we do not, nor cannot yet prevail upon ourselves to call them the King's Troops'.[114] Lieutenant John Barker, a British officer stationed in Boston with

---

[108] Lucas, *An Address…Relating to the Augmentation of the Military Force in the Kingdom of Ireland* (London, 1768), pp. 35, 13.
[109] 5 Geo. III c. 33; 7 Geo. III c. 59.
[110] *JCC*, vol. 2, pp. 213, 218.
[111] Ibid., p. 216.
[112] Ibid., pp. 217-18.
[113] Ibid., p. 217.
[114] GW to George William Fairfax, 31 May 1775, LoC, WP, MS 44693, ser. 3h, Letterbook 1, fo. 2.

the King's Own Regiment (4th Regiment of Foot), recorded his bewilderment that the 'Rebels' had raised the British flag in Cambridge and 'call themselves the King's Troops and us the Parliaments'.[115] The address to Ireland and the actions of the rebelling soldiery shows that Americans were still deeply committed to the British Empire and the Crown. Their invocation of fellow subjecthood was not posturing.

An Imperial Embargo

In 1774, the delegates agreed to end all trade with the British Empire.[116] Historians typically view the trade embargo and Continental Association as inward facing and concerned with moral regulation. For example, congressional historian Edmund Burnett argued that the embargo was 'motivated by ethical rather than economical purposes'.[117] David Ammerman has contended that the 'delegates attempted to encourage republican virtue' by the provisions of the embargo and the association created to enforce it.[118] Likewise, Benjamin Irvin has emphasised the trade ban as a '*moral* self-denial' and likened it to a solemn, sacred covenant which coaxed Americans into a republican 'ethos of sobriety, industry, and humility'.[119] Even T.H. Breen has argued that the intention of the embargo was 'halting once and for all' the purchase of British goods.[120] However, the embargo was meant to end when Parliament repealed the offending legislation; no one in 1774 could have predicted that Americans would never again freely import goods from Britain as British subjects. The provisions to promote industry were less to permanently wean America off British trade than to temporarily fill the gap from lost imports and to deal with the intervening scarcity.

---

[115] 1 May 1775, *The British in Boston: Being the Diary of Lieutenant John Barker of the King's Own Regiment from November 15, 1774 to May 31, 1776*, ed. Elizabeth Dana, (Cambridge [MA], 1924), p. 40.
[116] *JCC*, vol. 1, p. 77.
[117] Burnett, p. 56.
[118] Ammerman, p. 84.
[119] Irvin, pp. 32, 20.
[120] Breen, *Marketplace of Revolution*, p. 26.

While the Association did try to promote an American wool and textile industry, this was in the attempt to offset the shortages that would be caused by the embargo. Likewise, although, the Association did try to discourage cockfighting and betting on horseracing this was more a recommendation to end frivolous spending in the face of lost revenue from the loss of colonial trade than moral policing.[121] The embargo was intended to pressure the ministry and Parliament to repeal the Coercive Acts. The original agreement named only Great Britain, Ireland, and the British West Indies. Congress later clarified that the imperial embargo also encompassed 'the islands of Jersey, Guernsey, Sark, Alderney, and Mann, and every European island and settlement within the British dominions', a catchall phrase intended to include Gibraltar and Minorca and to remove any ambiguity which could be used to bypass the trade ban through back channels.[122]

On one level it is odd Congress targeted a British dominion considered to be sympathetic to its cause with commercial boycotts. The delegates struggled with Ireland's inclusion in the trade embargo given the significance of American flax to the production of Irish linen. Flax and linen were subject to British parliamentary trade regulations, but in a manner which largely benefitted Americans. To promote the linen industry, Westminster issued bounties on British and Irish linen exported from Britain, making imported linen cheaper and more accessible to British Americans.[123] Flaxseed was also under favourable regulations. Since 1731, American flax could be exported directly into Ireland and since 1763 was paid a bounty when imported into Britain.[124] Pennsylvania delegate George Ross opposed Irish inclusion because 'it is quarrelling

[121] Rakove, *National Politics*, pp. 50-52.
[122] *JCC*, vol. 2, p. 239.
[123] 29 Geo. II c. 15; 10 Geo. III c. 38. See also, Julian Hoppit, 'Bounties, the Economy and the State in Britain, 1689-1800' in Perry Gauci (ed.), *Regulating the British Economy, 1660-1850* (Farnham, 2011), pp. 139-60.
[124] 4 Geo. II c. 15; 4 Geo. III c. 26.

with Ireland before We begin with G[reat] Britain'.[125] Benjamin Franklin, who was not then a delegate, was similarly dismayed and explained in a letter to his son 'I should be sorry if Ireland is included in your agreement, because that country is much our friend, and the want of flax-seed may distress them exceedingly…it can only be against England, to ensure a change of measures, and not to hurt Ireland, with whom we have no quarrel'.[126] As the ban on imports began in December 1774, Margaret Duncan, a Philadelphia linen draper and flax merchant in her own right, wrote to William Weir of Stewartstown, County Tyrone to inform him that 'our Congress has by the publick consent Resolved on stopping trade with the three Kingdoms' and she would be unable to sell him any flaxseed in the coming year. She reported that the 'inhabitants here in general lament Ireland & did not want to stop trade with it but it was thought it would [have] been a cover to bring goods from England'.[127]

Although linen and flax were not directly named in the Continental Association embargo, Ireland's inclusion was calculated to damage that industry; nearly all direct trade between British America and Ireland was related to linen.[128] In 1773, Robert Stephenson, the Inspector of the Linen Manufacture in Ireland, reported that flaxseed was 'imported chiefly from America' and historian Thomas Truxes estimates that over ninety-percent of Ireland's flaxseed was imported from America between 1765-1775.[129] After harvesting the flax crop grown from American seeds, Irish labourers separated the fibres from the woody part of the plant and spun it into yarn. This yarn was then bleached in a solution made of potash imported from New York and

[125] Silas Deane, Diary, 1 Oct. 1774, *LDC*, vol. 1, p. 133.
[126] BF to William Franklin, 30 June 1774, *BF Papers*, vol. 21, p. 236.
[127] Margaret Duncan to William Weir, 17 Dec. 1774, PRONI, Weir Family Papers, D1140/2. The Three Kingdoms is an archaic reference to England, Scotland, and Ireland. Scotland and England unified in 1707 as the Kingdom of Great Britain; 6 Ann. c. 11.
[128] Thomas Truxes, *Irish-American Trade, 1660-1783* (Cambridge [UK], 1988), pp. 39, 41.
[129] *Hibernian Journal*, [Dublin], 19-22 Nov. 1773; *Report from the Committee Appointed to Enquire into the Present State of the Linen Trade in Great Britain and Ireland* ([London], 1773), p. 22; Truxes, p. 195.

Connecticut before being woven into cloth such as damask, lawn, cambric, or lace.[130] America imported large quantities of Irish linen and was Ireland's largest market for linen exports after Britain.[131] For some Irish linen drapers, America was their sole market. In 1769, nearly the entire linen output of Thomas Greer of County Tyrone was shipped to Pennsylvania.[132]

Irish linen was sold by American clothiers and in textile shops alongside English, Scottish, and European imports, but there were specialty shops in many major ports which sold only Irish-made linen. In Boston, for example, George Brinley ran the Irish Linen Warehouse in King's Street between 1766-1774[133] and William Scott ran the Irish Linen Store in Dock Square from 1768-1775.[134] Americans bought fine Irish linen products like sheeting, lace, lawn, and cambric for themselves; coarser raw linens were used to clothe slaves. Massachusetts Bay delegate Robert Treat Paine argued that although the end of the American flax and linen trade would '[r]uin the Irish Linnen Manufacture' the damage would 'soon Reach England, for the funds or Stock which Support the Irish Linnen Manufacture Lie principly in England'.[135] Others justified Irish inclusion on the grounds that 'half the Irish Linnen Manufacture is due to G[reat] B[ritain] before it is made' and that 'Many Gent[leme]n & members of Par[liament] in Eng[lan]d own Estates in Ireland'.[136] The delegates knew the prohibition would ruin Ireland, but continued with the boycott arguing 'it will be with the B[ritish] P[arliament] to say how Long they Shall Suffer'.[137]

---

[130] 'An Account of the Goods and Produce Exported from the Several Provinces…of N[orth] America…between the 5th January 1769 to the 5th January 1770', PRONI, Massereene–Foster Papers, D562/8432 A.
[131] Truxes, p. 170.
[132] Willcocks Phelps to Thomas Greer, 29 Sept. 1770, PRONI, Greer Papers, D1044/260.
[133] *Boston Post-Boy*, 27 Oct. 1766; *Massachusetts Spy*, [Boston], 14 Oct. 1773.
[134] *Boston Post-Boy*, 17 Oct. 1768; *Boston Evening-Post*, 30 Jan. 1775.
[135] RTP, Speech Notes, [5 Oct. 1774], *LDC*, vol. 1, pp. 146-47.
[136] SA, Notes on Trade, [27 Sept. 1774], ibid., p. 108.
[137] RTP, Speech Notes, [5 Oct. 1774], ibid., p. 147.

Under the Linen Act of 1705, Irish linen was exported to the colonies from Ireland duty-free, but the lucrative bounties merchants received for exporting linen from Britain resulted in the bulk of Irish linen being shipped to America via England.[138] Irish linen was thus dominated by London merchant houses and English capital.[139] The *Boston Evening-Post* elaborated, explaining the disruption from the embargo would have the greatest effect on the London merchant houses involved in the Irish linen trade and pressure Parliament to make concessions.[140] Merchants played an important role in parliamentary proceedings and were often called upon to give their opinion on the effects and expediency of legislation. In turn, merchant communities formed power lobby groups which held sway within Parliament.[141] By hurting the linen merchants of London and Ireland, Congress hoped to influence them to push Westminster to alter or repeal the Coercive Acts. Alexander Hamilton – then still only a student at King's College, New York – acknowledged in *Farmer Refuted* that although the 'cessation of our trade with Britain, Ireland and the West-Indies would be productive of the most fatal consequences' he believed it would in turn prove to their fellow subjects that 'the peace, happiness and safety of the British Empire' was 'connected with the redress of our grievances'.[142] The boycotts were intended to make common cause with the wider Anglo-Atlantic by making America's legislative grievances felt in the broader Empire through economic coercion. The delegates hoped to mobilise merchant communities across the Empire and induce the Irish Parliament and assemblies of Britain's other imperial dependencies to pressure the British ministry to back down.

---

[138] 3 Ann. c. 8; 3 Geo. I c. 21.
[139] Thomas Bartlett, '"This famous island set in a Virginian sea": Ireland in the British Empire, 1690-1801' in P.J. Marshall (ed.), *The Oxford History of the British Empire*, vol. 2, (Oxford, 1998), p. 258; Truxes, p. 40.
[140] Supplement to *Boston Evening-Post*, 5 Sept. 1774.
[141] Daeryoon Kim, 'Political Convention and the Merchant in the Later Eighteenth Century' in Perry Gauci (ed.), *Regulating the British Economy, 1660-1850* (Farnham, 2011), p. 123.
[142] [AH], *The Farmer Refuted*, (New York, 1775), p. 65.

With the loss of Irish cloth, the United Colonies quickly faced chronic shortages of clothing. In January 1776, Abigail Greenleaf of Taunton, Massachusetts wrote to her brother that her family was 'in a great straight for some shirts. No linnin is to be bought here but what is extravagantly dear'.[143] The severe shortage of clothing also affected the Continental Army and many officers sent requests for and complaints concerning the lack of clothing to General Washington. For example, in 1777 Major General William Heath warned that 'Our greatest difficulty is the want of Clothing…The men…are almost naked, and many of them Lousey and not a second Shirt to their Backs'.[144]

The embargo put Congress in an uncomfortable situation with Ireland in 1775. During a debate in the Irish Commons, Denham Jephson of County Cork chastised Congress and the colonists for 'their conduct towards us, in precluding us from all commerce with them, whether export or import' and declared that as a result America 'could entertain no hope of being abetted by the people of Ireland, whom they have so ill treated'.[145] The address sought to explain the American reasoning behind the restrictions and repair the damage to the Irish people. The boycott was defended as a 'peaceable mode of opposition' to obtain justice 'from the British Ministry which had been so long solicited in vain'. America had no quarrel with Ireland; the termination of trade was intended to coerce Lord North and his ministry to negotiate. '[I]t was with the utmost reluctance' that Congress severed 'commercial connexion with your island' and the delegates were quick to acknowledge '*Your* parliament had done us no wrong' and expressed gratitude for Irishmen 'who have nobly distinguished themselves in the cause of humanity and America'. The address defended the boycott on the grounds that

[143] Abigail Greenleaf to RTP, 22 Jan. 1776, *Papers of Robert Treat Paine*, vol. 3, p. 138.
[144] William Heath to GW, 27 May 1777, *GW Papers,* RWS, vol. 9, pp. 541-43.
[145] *Leinster Journal*, [Kilkenny], 29 Nov.-2 Dec. 1775.

'the labor and manufactures of Ireland, like those of the silk-worm' were of little benefit to themselves and 'served only to give luxury to those who *neither toil nor spin*'. Because Ireland's linen industry was so enmeshed with London, the delegates believed that 'if we continued our commerce with you, our agreement not to import from Britain would be *fruitless*'.[146] Though Ireland had exempted Ireland from the previous American non-importation agreements in retaliation for the Stamp Act and the Townshend Duties, linen's dependence on English merchants and capital made an exemption untenable.[147]

The embargo initially had the desired result in Ireland. In March 1775, Westminster received petitions from the merchants, linen drapers, and principal inhabitants of Belfast and Waterford urging reconciliation between America and Britain, citing the damage inflicted by the loss of American flaxseed on the commerce of Ireland and the 'diminution of his Majesty's revenues'.[148] These petitions, however, fell on deaf ears and Parliament later restrained all imperial trade with the provinces attending Congress.[149] By February 1776, the effects of the American and British embargoes were being felt, and the London merchant house Wakefield, Pratt & Miers informed Thomas Greer that '[i]f the American Trade does not open…you must be certain we cannot [purchase] so much [linen] as usual with thee'.[150] In the same month, James Hamilton, the manager of the Earl of Abercorn's extensive Irish estates in Tyrone and Donegal, urged Abercorn to delay giving poor relief to his tenants 'till the season for buying flaxseed, as it is likely it will be very dear'. Hamilton further cautioned that although '[y]arn bears a very good price…our cloath does not' and noted that 'the linen

[146] *JCC*, vol. 2, pp. 214-15.
[147] Breen, *Marketplace of Revolution*, pp. 223-34, 235-93.
[148] *Parliamentary Register*, HC, 1st sess., 14th Parliament, vol. 1, (London, 1802), pp. 295, 331; *Virginia Gazette*, (Purdie), 12 May 1775.
[149] 15 Geo. III c. 10; 15 Geo. III c. 18.
[150] Wakefield, Pratt & Miers to Thomas Greer, 27 Feb. 1776, PRONI, Greer Papers, D1044/461.

drapers from these parts…attribute the fall of Cloath to the troubles in America'.[151] The following year, the merchants of Belfast petitioned Westminster begging for permission to import flax from European sources to counteract the loss of American seed, warning that if access to new markets is not permitted it will 'be attended with very fatal Consequences to the Linen Manufacture'.[152]

By October 1775, the congressional Committee on Trade began to consider revising the terms of the Association. The Committee reported that 'withholding Flax-seed from Ireland will be attended with a much greater Degree of Distress and Ruin to the poor of that Kingdom' and, given America's dire need for munitions, proposed that 'our Friends and Fellow Subjects in Ireland should be admitted to take Flax seed from these Colonies in Exchange for all such Powder and other military Stores'.[153] Although similar exemptions would later be given to Bermuda and the Bahamas, Congress never picked up the proposal for a special exemption for Ireland again. Three months prior to the unsuccessful proposal for Irish exemptions, Congress relaxed the boycott allowing American goods to be exported to the greater Empire in exchange for gunpowder and munitions. This allowed small amounts of flax to be shipped to Ireland in exchange for matériel but the import ban otherwise remained in place and did not permit the purchase of linens.[154] Notably in 1776, Charles Forrest was charged by British officials with sending a shipment of 'warlike stores…from Dublin to America for the use of the Rebells'.[155] Although some exchanges like Charles Forrest's occurred, they were infrequent due to the distance, cost, and risk.

---

[151] James Hamilton to James Hamilton, 8th Earl of Abercorn, 20 Feb. 1776, PRONI, Abercorn Papers, D623/A/43/5.
[152] Petition of the Merchant Importers of the Town of Belfast to Parliament, 11 Nov. 1777, PRONI, Millin Collection, T533/10.
[153] *JCC*, vol. 3, pp. 269, 292.
[154] Ibid., vol. 2, pp. 184-85.
[155] Sir John Blaquiere to John Robinson, 9 June 1776, TNA, T 1/522, fo. 355.

The congressional address reached Dublin in late-September 1775 and was widely reprinted.[156] Earlier in September, Lord Shelburne reported from Limerick that 'all classes in this Kingdom [are] much more animated about America than in England. In every Protestant or Dissenter's house, the establish'd Toast is success to the Americans'.[157] That summer, among the toasts of Dublin's Society of Free Citizens to the King, Royal Family, and prosperity to Ireland, glasses were also raised to '[o]ur fellow subjects in America now suffering persecution for attempting to assert their rights and liberties' and to 'the memory of the brave Americans who fell defending the liberties of their country', a reference to Lexington and Concord.[158] However, by October, Irish MPs formally declared their 'Abhorrence' and 'Indignation' at the 'Rebellion existing in a Part of his [Majesty's] *American* Dominions'.[159] Why did the appeal ultimately fail to carry Irish favour? Days after the appeal arrived in Dublin, a reply was published on the front page of the *Freeman's Journal* which wished America would 'rise superior to the *destructive efforts* of *wicked men and ministers*' and hoped that once corrupt officials were removed from the British government King George would 'reign over a free, united, and happy people'. The response reveals that, although sympathetic, Ireland was in a difficult position. The *Journal* lamented the imposition of a 'political embargo' by the Proclamation of Rebellion which declared correspondence perceived as aiding the American rebellion treasonous. The Irish could not openly enter dialogue with Congress and covertly doing so was 'below the dignity of both the *senders* and *receivers*'.[160] Ireland was unable to engage directly with

[156] *Freeman's Journal*, [Dublin], 19-21 Sept. 1775; *Leinster Journal*, [Kilkenny], 20-23 Sept. 1775; *Hibernian Magazine*, vol. 5, (Dublin, 1775), pp. 619-21.
[157] William Petty, 2nd Earl of Shelburne to Richard Price, 5 Sept. 1775, Bodl., University of Oxford, Oxford, UK, MS Eng. Misc. c. 132, fo. 50.
[158] *Pennsylvania Evening-Post*, 5 Oct. 1775.
[159] *CJ.Ire.*, vol. 9, p. 170.
[160] *By the King, A Proclamation, for Suppressing Rebellion and Sedition*, 23 Aug. 1775; *Freeman's Journal*, [Dublin], 23-26 Sept. 1775.

America, but after the Irish Parliament's denunciation of rebellion, the freeholders of Dublin and Belfast sent petitions to the King and the Lord Lieutenant in defence of America.[161] The Irish wanted to show solidarity with the Americans as members of a single empire but in their response to Congress we begin to see a divergence. While sympathetic to the political cause, the Anglo-Irish were unwilling to take steps which could be perceived as disloyal.

Parliament was not in session when the congressional address arrived in Dublin. Because the opposition in the Irish Parliament had been vocal in its support for Americans, Lord Harcourt feared the government would be tested, if not embarrassed, by a motion from the opposition relating to the war at their first chance. Harcourt, however, pre-empted this challenge by introducing a motion to denounce the American rebellion when Parliament was called back into session on 10 October. Martyn Powell notes that the small turnout on the day of the vote 'testified to the unexpected nature of the original motion. But it is also likely that many Irish members refused to vote on a question which they believed should not concern Ireland'.[162] Nonetheless, Barry Yelverton, representing the borough of Donegal, stated he 'could not call the Americans Rebels, without at the same time allowing the right and authority of the British parliament to tax them; and no slavery can be more perfect, than to be taxed where men are not represented'. Thomas Conolly, an MP for County Londonderry who was normally supportive of the Dublin Castle administration, similarly warned that if nothing was done regarding America 'the next step would be to tax Ireland in the British Parliament'. Sir Edward Newenham of Enniscorthy also warned of the potential economic fallout if Ireland voted against America: 'the Americans would remember it,

[161] *Freeman's Journal*, [Dublin], 9-12 Dec. 1775; 28-30 Dec. 1775.
[162] Martyn Powell, *Britain and Ireland in the Eighteenth-Century Crisis of Empire* (Basingstoke, 2003), p. 148.

and not take a yard of our linen'.[163] While these men defended the position taken by America, the Commons as a whole voted 90-54 in favour of condemning the Americans. After news of Ireland's condemnation, Samuel Ward, a Rhode Island delegate, came to believe that 'the People of both England & Ireland in general are against Us' and lamented that even the friends of America 'have now changed Sides'.[164]

Vincent Morley has contended that in the 1770s the great majority of the Anglo-Irish 'would deplore any threat to the unity of the empire',[165] which, after the Declaration of Rebellion, America represented. Ireland could no longer accept the claim that American resistance was an act of loyalty to the King, the British constitution, and the British Empire. Though vocal, the Patriot Party remained a small political force in Ireland in the mid-1770s and American expectations for Ireland were inflated.[166] By being branded as rebels, association with the Americans threatened to undermine the Ascendancy's goal of achieving their own reforms of the imperial relationship with Whitehall and Westminster.[167] Although small pockets of Protestant support remained, the Anglo-Irish Patriots further distanced themselves from America and rarely voiced open support after the Declaration of Independence.[168] After 1776, Ireland was still Ireland of the crowned harp; the Anglo-Irish and the Patriot Party were loyal to George III and although they wanted legislative independence from Westminster, they wished to remain within the Empire. This was not yet the Ireland of the United Irishmen, Theobald Wolfe Tone, or Protestant republicanism.

---

[163] *Hibernian Magazine*, vol. 5, (Dublin, 1775), pp. 609-10.
[164] Samuel Ward to Henry Ward, 21 Nov. 1775, *LDC*, vol. 2, p. 370.
[165] Vincent Morley, *Irish Opinion and the American Revolution, 1760-1783* (Cambridge [UK], 2002), p. 106.
[166] Ibid., pp. 95-6.
[167] Vincent Harlow, *The Founding of the Second British Empire, 1763-1793*, vol. 2, (London, 1964), p. 787.
[168] Morley, p. 125.

After the failure of the address, the Patriot-Rebel attitude toward Ireland significantly cooled and the Anglo-Irish *en masse* were no longer considered to be friendly to the American cause. A number of American prisoners-of-war were confined in Irish prisons, such as Ethan Allen who was held in Cork after his capture in Montréal in 1775.[169] Rather than issue an exemption to the imperial embargo to import much needed Irish linen as had been done for other British territories which could provide commodities Americans could not get, Congress instead authorised the Continental Navy to conduct raids off the Irish coast. For example, in 1777 Captain Lambert Wickes was ordered 'to intercept some of the Irish Linnen Ships, and proceed with them for America where the Article was much wanted'.[170] Wickes's raids were highly successful. In a letter to the Marquis de Lafayette, Henry Laurens reported that Wickes 'made immense prizes in the Irish Channel & Spread such terror [that] the Linnen Ships expected from Dublin &c were detained in port' which left 'the great annual Fair at Chester intirely empty…a circumstance which never before happened from its commencement'.[171] These raids caused havoc in Ireland and Dublin merchants John and Willcocks Phelps complained to Thomas Greer in August 1777 that 'Linens are duller now than at the market particularly coarse ones which may be had under last years prices, the American privateers appearing in our Channell has been partly the cause of this; & to mend the matter Government has been very tardy in affording us any Relief, our vessells for London, Bristol, etc. are yet detain'd here for want of a convoy'.[172] Greer's daughter Mary wrote to him in the summer of 1777 that several

[169] Rueben Harvey to JA, BF, JJ, and Henry Laurens, 10 Feb. 1783, NARA, PCC, M247, roll 60, item 46, fo. 339.
[170] American Commissioners to Comte de Vergennes, 21 July 1777, *BF Papers*, vol. 24, p. 338.
[171] Henry Laurens to Marquis de Lafayette, 23 Oct. 1777, *LDC*, vol. 8, p. 167.
[172] Willcocks & John Phelps to Thomas Greer, 2 Aug. 1777, PRONI, Greer Papers, D1044/508.

family friends 'ware [*sic*] taken by an American Privateer' while attempting to sail from Dublin to London.[173]

American activity against Ireland increased in 1778. Captain John Paul Jones targeted Royal Navy vessels sent to defend Ireland, famously capturing the HMS *Drake* in Belfast Lough off Carrickfergus. Likewise, Jones's famous assault on Whitehaven, Cumberland was intended to 'render it difficult, if not impossible to supply Ireland with coal the ensuing winter'.[174] France's entry into the War in 1778 further diminished Irish support for America.[175] In response to the perceived inaction of the Irish government to the increasing incursions of the Continental Navy and the threat of a French invasion, middling Irish Protestants formed extra-governmental militias, collectively known as the Irish Volunteers, to defend the island.[176] The first of these volunteer corps was raised in Belfast on St Patrick's Day 1778; similar groups quickly emerged across the country and by the end of 1779 there were over 40,000 men enlisted.[177] Although formed without government approval, these groups were loyal to the Irish Crown, and many like the Lisnavein Independent Rangers of Ballybay, County Monaghan issued declarations pledging 'to defend ourselves from our natural enemies; to evidence our loyalty to his Majesty King George, and our attachment to our *civil* constitution…which, at this time, require the exercise of every real friend of our civil and sacred privileges'.[178] Far from building new alliances with nascent Irish republicans, Americans inadvertently strengthened Irish loyalty to the Crown. In 1779, Henry Marchant of Rhode Island and Elbridge Gerry of Massachusetts made a motion

[173] Mary Greer to Thomas Greer, 12 June 1777, PRONI, Greer Papers, D1044/501.
[174] John Grizzage Frazer to GW, 30 May 1778, *GW Papers*, RWS, vol. 15, pp. 270-72; John Paul Jones to Joint Commissioners in Paris, 5 July 1778, *Adams Papers*, PJA, vol. 6, pp. 261-63.
[175] Jacqueline Hill, *From Patriots to Unionists: Dublin Civil Politics and Irish Protestant Patriotism, 1660-1840* (Oxford, 1997), p. 144.
[176] Bartlett, p. 265; Powell, *Crisis of Empire*, p. 167; Ian McBride, *Scripture Politics: Ulster Presbyterians and Irish Radicalism in the Late Eighteenth Century* (Oxford, 1998), p. 123.
[177] McBride, p. 123.
[178] Quoted in McBride, pp. 126-27.

in Congress ‘to Adress Ireland to Revolt’ but by this stage the other delegates had little interest or faith in a republican uprising in Ireland and the proposal died.[179]

CONCLUSION

The American rebellion was initially conceived of by its participants as an uprising to preserve the unity of the Empire and the integrity of the British constitution. The congressional appeals to Ireland and other parts of the British Empire in the spring of 1775 show Americans retained strong imperial identities in the wake of Lexington and Concord and reveals an imperial moment on the eve of Independence. Congress initially saw itself as a harmonising influence in the British Empire and a platform for the imperial peripheries from Ireland to the British West Indies to present a united front for reform. The decision to appeal to the Ascendancy early-on was logical; at that time both the Americans and the Anglo-Irish wished to remain in the British Empire but wanted increased legislative independence. There was a strong imperial identity in both America and Ireland. Although thousands of miles away, they were united by ties of kinship, by their joint loyalty to George III, and their strong affiliation with the Empire.

Upheaval in America and Irish obstinacy led to American cynicism. The failure of the address and the imperial embargo to garner broad imperial support in conjunction with the Proclamation of Rebellion resulted in American disillusionment and an increased lost sense of place within the Empire. When Ireland condemned the Americans, the Irish shifted from friends to enemies; when the Declaration of Independence severed American allegiance to the Crown the Anglo-Irish became completely foreign. In the 1780s and 1790s Ireland, however, would also go through a radical change in political identity. While Americans did find new political kindred spirits in the form of the United Irishmen, it must be conceded that they were still a

[179] John Fell, Diary, 14 Aug. 1779, *LDC*, vol. 13, p. 370.

minority. Even Wolfe Tone, the leader of the United Irishmen, wrote that he 'detested, as well the people as the country' of America.[180]

Bermuda: Navigating Neutrality

The small Atlantic colony of Bermuda received significant attention from Congress and their relationship throughout the Revolution illustrates Congress's shift from a summit to defend the British Empire to an imperialising force of its own. Bermuda was sucked into a congressional sphere of influence, although it never formally joined that body. Despite being only roughly 20 square miles, Bermuda – unlike Ireland or Québec – was able to gain greater agency to dictate the terms of its relationship with Congress. While Bermudians had clear desires to remain neutral in the conflict with Britain, Congress hoped to annex the island and other British colonies with or without local support. The study of Bermuda and Congress also reveals the acute problems the congressional embargo caused for the remaining members of the British Empire, as well as the complications for the United Colonies.

Andrew O'Shaughnessy has emphasised that the West Indies chose not to join the American rebellion in part because of their dependence on Great Britain for troops to guard against slave uprisings, the high proportion of absenteeism, and sugar's dependence on the European market. Bermuda, however, was different. Although Governor George James Bruere, Vice-Admiral Samuel Graves, and other British officials questioned the loyalties of Bermudians for conducting trade with the Americans, illicit trade is not necessarily indicative of political leanings. As O'Shaughnessy has noted, Americans misread the willingness of certain West Indians

[180] Diary, 22 May 1796, *The Writings of Theobald Wolfe Tone, 1763-98*, vol. 2, ed. T.W. Moody, R.B. McDowell, and C.J. Woods, (Oxford, 2001), p. 189.

to trade for wider sympathy with the Revolution.[181] Bermudians utilised this ambiguity to maintain a channel of food and supplies; they played both the British and the Americans. And, although some Bermudians invited Continental forces to invade, their proposals came with provisions protecting Bermudian neutrality.

Effects of the Imperial Embargo

As mentioned in the preceding section, Congress placed an embargo on trade to the British Empire. The delegates were aware of the damage the embargo would inflict and Robert Treat Paine of Massachusetts Bay commented that although 'it may be objected that 'tis Cruel, to distress the Manufacturers of Ireland & G[reat] Brittain, & the Creoles & Negroes of the W[est] Indies, who have not injured us. I answer…it will be with the B[ritish] P[arliament] to say how Long they Shall Suffer'.[182] Congress took into account the harm they would inflict on their fellow subjects but went ahead anyway. The British West Indies depended on mainland America for food and the supplies necessary for their plantation economies to run. The embargo threatened the stability of the West Indies and raised the spectres of famine, slave revolt, and race war.[183] The delegates hoped the damage would make American grievances felt throughout the Empire and spur the powerful West India merchant lobby to push Westminster to repeal the Coercive Acts.[184]

On 28 December 1774, four weeks after the ban on imperial imports began, the Assembly of Jamaica petitioned the King denouncing the Coercive Acts and advocated

[181]Andrew O'Shaughnessy, *An Empire Divided*: *The American Revolution and the British Caribbean* (Philadelphia, 2000), pp. 214, 228.
[182] RTP, Speech Notes, [5 Oct. 1774], *LDC*, vol. 1, p. 147.
[183] O'Shaughnessy, *Empire Divided*, pp. 137-43; Richard Sheridan, 'The Crisis of Slave Subsistence in the British West Indies During and After the American Revolution', *WMQ*, vol. 33, no. 4 (1976), pp. 616-19.
[184] For the power of the West India lobby, see Andrew O'Shaughnessy, 'The Formation of a Commercial Lobby: The West India Interest, British Colonial Policy and the American Revolution', *Historical Journal*, vol. 40, no. 1 (1997), pp. 71-95; Perry Gauci, 'Learning the Ropes of Sand: The West India Lobby, 1714-60' in Perry Gauci (ed.), *Regulating the British Economy, 1660-1850* (Farnham, 2011), pp. 107-21.

reconciliation with the mainland colonies.[185] The following July, Congress sent an address to the Assembly of Jamaica thanking the legislature for petitioning on their behalf and expressing regret at having harmed 'friends, who had never offended us, and who were connected with us by a sympathy of feelings, under oppressions similar to our own'.[186] Although Jamaica had proven its sympathies, Congress made clear that Jamaicans would not be spared from the imperial embargo. The delegates replied that the 'scheme of non-importation and non-exportation might be productive of the desired effects' and '[f]rom this necessity, and from this necessity alone' trade to Jamaica and the rest of the West Indies remained barred. Knowledgeable of the dependence of the islands on continental trade, Congress coldly replied that by 'converting your sugar plantations into fields of grain, you can supply yourselves with the necessaries of life: While the present unhappy struggle shall continue, we cannot do more'.[187] Jamaica had wealth, power, and a sizeable number of absentees that had become Members of Parliament. In 1775 alone, there were at least eight MPs who either owned property in Jamaica or had lived there prior.[188]

While T.H. Breen has argued that supporters of the congressional trade boycott 'were consciously repudiating the empire of goods', it is more apt to say that Congress and its supporters were trying to utilise the trade networks of Britain's commercial empire against Parliament.[189] The intention of the embargo was not to diminish West Indian economic influence but use it. Alexander Hamilton, himself native to the

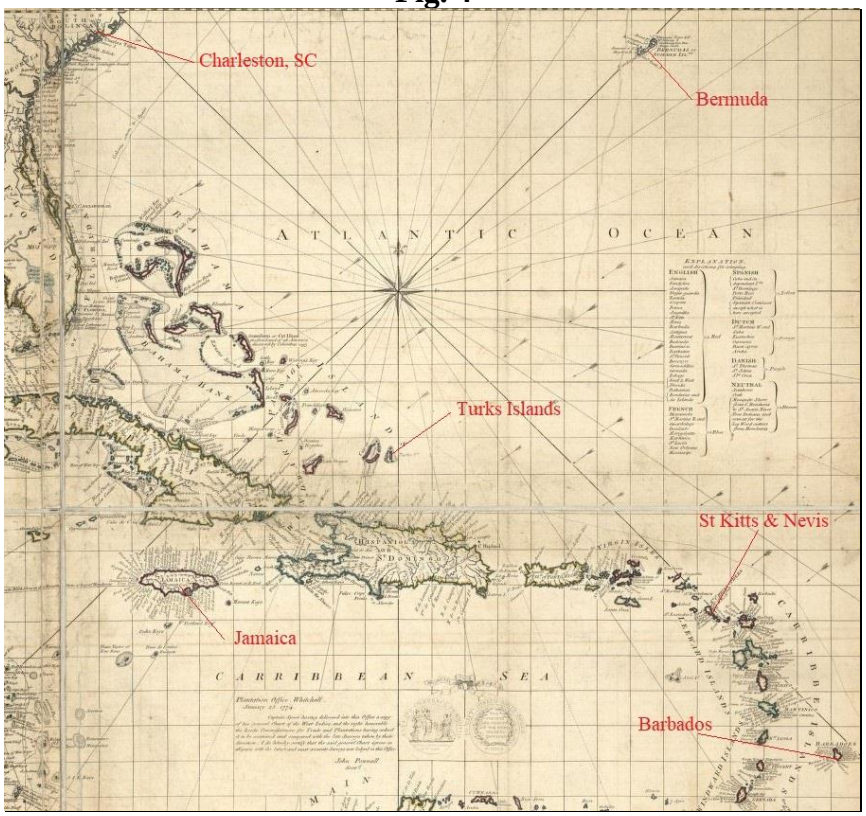
[185] *To the King's Most Excellent Majesty in Council The Humble Petition and Memorial of the Assembly of Jamaica,* [*Voted in the Assembly, on the 28th of December, 1774*] (Philadelphia, 1775).
[186] *JCC*, vol. 2, p. 205. Congress initially selected a committee to draft a 'Letter to the inhabitants of Jamaica'. It is not clear why the committee addressed only the assembly in the end, although it may have been done because the delegates had nothing to offer the Jamaican colonists. The address was written by William Hooper of North Carolina, Thomas Lynch of South Carolina, and James Wilson of Pennsylvania.
[187] *JCC*, vol. 2, p. 206.
[188] The MPs with Jamaican ties in 1775 were Nathaniel Bayly, Francis Eyre, Rose Fuller, William Henry Lyttelton, Edward Morant, William Nedham, Ashley Morris Storer, and Richard Pennant.
[189] Breen, *Marketplace of Revolution,* p. 329.

Fig. 3



(Detail) Peter Bell, *A New and Accurate Map of North America*, 1771, Library of Congress, Washington, DC, Map Collection, G3300 1771 .B42.

Fig. 4



(Detail) Thomas Bowen, *Chart of the West Indies*, 1774, Library of Congress, Washington, DC, Map Collection, G4390 1774.S6.

Leeward Islands, estimated that if the sugar colonies ceased production it would 'cut off an annual income of several millions sterling to Great Britain'.[190] The embargo did mobilise the West India lobby to act, but not in the manner Congress had hoped. In January, the Society of West India Merchants petitioned the House of Commons stressing that the sugar islands depended on free trade with North America 'from whence they are furnished with provisions and other supplies, absolutely necessary for their support and the maintenance of their plantations'.[191] Although the petitioners argued the loss of American trade would cause the West Indies to 'feel a distress just short of destruction' and asked Parliament to preserve trade with the continent, the lobbyists did not sympathise with Congress, and condemned the mainland colonies for strengthening themselves 'while every other member of the empire lies bleeding'.[192]

Neither the Bahamas nor Bermuda were part of the British West Indies (SEE FIGS 3 AND 4), but Archibald Campbell, a Scottish merchant based in Norfolk, Virginia, wrote to St George Tucker, the son of a powerful Bermudian family, that 'I find Bermuda & the Bahamas are looked upon by the Congress as W[est] India Islands & no Supplys to be allowed them'.[193] The sugar colonies collectively had a formidable number of MPs and the notoriously powerful West India lobby to voice their concerns. Bermuda and the Bahamas had few ties to Parliament, virtually no presence in Britain itself, and little opportunity for recourse.

Unlike the wealthy sugar islands of the West Indies, both Bermuda and the Bahamas lacked plantation economies and had smaller slave populations.[194] In 1776,

---

[190] [AH], *Farmer Refuted*, p. 64.
[191] [Richard] Glover, *The Substance of the Evidence Presented by the West-India Planters and Merchants to the House of Commons* (London, [1775]). p. 3.
[192] Ibid., pp. 29, 27.
[193] Archibald Campbell to StGT, 13 Sept. 1775, Swem Library, W&M, TCP, MS 40 T79, ser. 1, box 3, fold. 5, item 349.
[194] Bermuda had a plantation economy until 1700 when the island's tobacco industry collapsed, see Addison Verrill, *Relations Between Bermuda and the American Colonies During the Revolutionary War*

Bermuda's population of 13,000 individuals was evenly divided between Whites and Blacks. By comparison, in Jamaica the ratio of Blacks to Whites was ten to one and in 1777 the population of Barbados was estimated to be 80,000 Blacks to only 12,000 Whites.[195] The wealth of the sugar colonies allowed for large scale absenteeism and the finances for planters to relocate to Britain. Although lacking a highly lucrative export commodity like sugar or rice, Bermudians had a substantial salt industry. Bermuda's climate was ill-suited to salt making but in the 1670s Bermudians annexed the Turks Islands, over 700 nautical miles southwest of Bermuda, building salt ponds and a sizeable salt trade (SEE FIG. 4).[196] Turks's salt was 'thought superior to any in the world for curing Fish, Beef & Pork' and the majority was sold to the mainland British colonies.[197] Unlike the southern mainland provinces and the West Indies where slaves were predominantly used in agriculture, Bermuda's slave population was generally used in the maritime industry: shipping, fishing, salt raking, privateering.[198]

Lacking a viable cash crop and plantation agriculture, Bermuda's economy was based on maritime trade and shipbuilding; it could not support wealthy absentee landownership. Bermuda played a disproportionate role in colonial shipping in British

(New Haven, 1907), p. 47; Ross Nedervelt, 'Caught between Realities: The American Revolution, the Continental Congress and Political Turmoil in the Bahama Islands', *JICH*, vol. 43, no. 5 (2015), p. 748.

[195] For the demography of Bermuda, see Rev. Thomas Lyttleton to Lord George Germain, 27 Jan. 1776, TNA, CO 37/36, fo. 85; for Jamaica, see Lawrence Gipson, *The British Empire Before the American Revolution*, vol. 13, (New York, 1967), p. 78; for Barbados, see Sheridan, p. 620. Although lower than most island colonies, Bermuda's slave population was proportionally higher than any of the mainland British colonies except South Carolina.

[196] [John Harvey Tucker], *The Question of the Bahama Jurisdiction over the Turk's Islands: Discussed in a Letter to the Assembly of the Bermuda or Somer's Islands* (London, 1803), pp. 14-16; Michael Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783* (Chapel Hill, 2010), pp. 185-211; Verrill, p. 48. The Turks refer to both Grand Turk and the appropriately named Salt Cay.

[197] Gov. Montford Browne to William Legge, 2nd Earl of Dartmouth, 6 May 1775, TNA, CO 23/23, fo. 30; for examples of American pre-war advertisements of Turks Island salt, see *Virginia Gazette*, (Purdie & Dixon), 8 Jan. 1767; *Newport Mercury*, 6 Mar. 1771; supplement to *Massachusetts Gazette*, 30 Apr. 1772; *Virginia Gazette*, (Rind), 15 Sept. 1774, *Essex Gazette*, [Salem, MA], 4 Jan. 1775.

[198] Cyril Outerbridge Packwood, *Chained on the Rock: Slavery in Bermuda* (Hamilton [Bermuda], 1975), pp. 42, 46; Kevin Dawson, 'Enslaved Ship Pilots in the Age of Revolutions: Challenging Notions of Race and Slavery between the Boundaries of Land and Sea', *Journal of Social History*, vol. 47, no. 1 (2013), pp. 81, 83-84, 89; Virginia Bernhard, *Slaves and Slaveholders in Bermuda, 1616-1782* (Columbia [MO], 2016), pp. 166-69, 180-85, 247-48.

America. For example, for the year 1773, 550 sloops and 20 top-sail vessels entered Boston harbour from Bermuda. By comparison, there were only 59 top-sails and 10 sloops recorded entering Boston from Great Britain; and, the West Indies as a whole (both British and foreign islands) only accounted for 64 top-sails and 175 sloops in the same period.[199] As a result, Bermudians maintained stronger economic and familial ties to mainland British America in comparison to the affluent sugar colonies of the British West Indies; there were large emigrant Bermudian populations in Norfolk, Virginia and Charleston, South Carolina.[200] For example, John Tudor and Edward Stiles, members of the Bermuda Council in the 1770s, maintained homes in New York and Philadelphia which occasionally prevented the Council from reaching a quorum.[201] Several members of the Tucker family, a politically influential Bermudian family, moved to America. For example, St George Tucker moved to Virginia in the 1770s to study at the College of William & Mary and remained there after the conclusion of the War. His elder brother, Thomas Tudor Tucker, moved to South Carolina in the late 1760s and subsequently served as a delegate in Continental Congress.

The disputes between the American colonies and Great Britain forced Bermuda to pursue a middle ground to stave off disaster. Bermuda acknowledged Congress as an imperial player and formidable power and sent several delegations to Philadelphia to lobby on its behalf. The dire American need for gunpowder and salt gave Bermuda leverage, and Bermudians successfully negotiated with Congress to be treated as neutral parties and exempted from the trade embargo. Americans were led to believe that

[199] 'An Account of the Number of Vessels and their Tonnage that have entered Inwards and Cleared Outwards in the Port of Boston from 5th January 1773 to 5th January 1774', MHS, Misc. Bd. 1774.
[200] For Bermudians in Charleston see, Jarvis, pp. 336-39; for Norfolk, see pp. 343-52; for maintenance of these connections, see pp. 365-68.
[201] Gov. GJB to Lords of Trade, 18 June 1775, TNA, CO 37/21, fo. 57.

Bermuda was more invested in the Revolution than they actually were; and to a great extent Bermudians pandered to both the Americans and the British.

Shortage and Crisis

When news of the Continental Association's embargo on imperial goods and threatened ban on exports reached Bermuda in the summer of 1774, Henry Tucker Snr, a member of the provincial assembly and its former Speaker, wrote to his son that 'the Collonies ought to hazzard everything rather than tamely to submit to slavery' but also lamented that the ban on exports would result in 'the utter ruin of this Little Country'.[202] In the spring of 1775, with the termination of American exports nearing, Bermudians selected extra-governmental delegates from the island's civil parishes to address the impending shortage of provisions. The delegates met at the Anglican church in Paget on 15 May 1775. Among the delegates at the Paget conference were a number of members of the provincial government including Councillor John Harvey, Speaker of the Assembly Cornelius Hinson, and Tucker who was 'unanimously chosen President'.[203] The delegation put pressure on the Governor, Assembly, and Council to respond to the shortage of provisions and proactively prevent famine and starvation. The delegation resolved 'it is expedient that His Excellency the Governor be requested to call the Council & Assembly together to consider the measures necessary to be pursued to supply the Inhabitants of these Islands with Provisions'.[204]

Governor Bruere heeded the plea of the parish delegates and called a meeting of the Assembly which on 19 May passed a bill 'to prohibit for a certain Time the Exportation of Indian Corn, Guinea Corn, Wheat, Barley, Rice, Beans, Peas, Oats, Rye

[202] HT Snr to StGT, 31 July 1774, Swem Library, W&M, TCP, ser. 1, box 2, fold. 10, item 271.
[203] Other members of the provincial assembly present at the first parish delegation included George Bascome, Richard Jennings, and Samuel Saltus.
[204] At a meeting of the Delegates of the Several Parishes of these Islands to Consider of the Measures to be pursued to supply the Inhabitants…with Provisions, 15 May 1775, TNA, CO 37/39, fo. 115.

and Wheat flour, Bread or Biscuit, Yams and Potatoes'.[205] Bruere and the Council approved the bill into law the same day. Bermuda, due to its size and isolated location, pre-emptively passed legislation to minimise the effects of the American embargo. By contrast, Jamaica, which is substantially larger than Bermuda, was not compelled to pass similar protective measures until January 1776.[206]

In the spring and summer of 1775, prominent Bermudians including members of the Assembly wrote to a number of the American delegates in an attempt to persuade Congress to exempt them from the full impact of non-exportation. In June, St George Tucker wrote to Thomas Jefferson urging Congress to take into consideration the situation of Bermuda. Tucker argued that Bermudians 'consider the Americans as Brethren, and their Souls are animated with the same generous Ardor for Liberty that prevails on the Continent; they are most Zealous Friends to the Cause of America, and…consider the Cause as their own'. But, because Bermuda was dependent on North America for food and Great Britain for clothing and other necessities he explained 'it is altogether impossible' for the island 'to exist without the Assistance of both'. Because Bermuda was occasionally erroneously clumped together with the West Indies, Tucker made clear that Bermuda's commerce 'is so trifling as to be utterly incapable of affecting the Trade of Great Britain in any Respect'. Bermuda was not part of the West India lobby and the effect of the loss of Bermudian trade would be negligible on Britain. Tucker assured Jefferson that 'if the Congress will agree to supply them with provisions' Bermudians would 'with Chearfulness accede to any Restrictions they [the delegates] may think proper to impose…and will agree to import nothing from Great Britain except the absolute Necessaries of Life'. The Continental Association and

[205] Votes and Proceedings of the General Assembly of Bermuda, May 1775-July 1776, TNA, CO 40/20, ff. 19-20.
[206] Sheridan, p. 621; Gov. Sir Basil Keith to Dartmouth, 18 Jan. 1776, TNA, CO 137/71, fo. 43.

the imperial embargo threatened the collapse of Bermuda's salt trade, and Tucker proposed that in exchange for American goods Bermuda 'supply the Colonies with Salt from Turk's Island'.[207] In response to St George Tucker's appeal, Peyton Randolph, the President of the 1774 Congress, argued that Bermuda's case was too difficult for him to take on, but welcomed the trade proposal and urged Bermuda to send deputies to Congress.[208] St George's father wrote to Benjamin Franklin, John Dickinson, and George Washington outlining a similar trade agreement.[209] Significantly, Franklin responded that Congress was willing to help Bermuda so long as there were stipulations 'to prevent our assisting the West Indies', again indicating that Congress's intention was to put pressure on lobby groups.[210]

George Bascome – a barrister, long serving assemblyman, and clerk of the May 1775 meeting of the parish representatives – wrote to George Clinton, a New York delegate, explaining that 'our Lands afford us Provisions scarcely sufficient for two months' subsistence'. Because of Congress's embargo, 'Famine stares us in the Face' and Bermuda's dire situation would only be made worse after the export ban went into effect in September; 'our Condition must be truly miserable if the Ports of the Continent are shut and no Permission given us to import Provisions'. Bascome took a more conservative tone than the Tuckers, arguing that although Bermudians 'really wish well to your Cause, this is all Prudence will permit us to say'. He pleaded for North American assistance but offered nothing in return, believing Bermudians must remain 'passive Spectators on this critical occasion'.[211] By the summer of 1775, American newspapers

[207] Jarvis, p. 386; StGT to TJ, 8 June 1775, *TJ Papers*, vol. 1, pp. 167-69.
[208] Peyton Randolph to StGT, 12 June 1775, Swem Library, W&M, TCP, ser. 1, box 3, fold. 3, item 326.
[209] HT Snr to BF, 12 Aug. 1775, *BF Papers*, vol. 22, pp. 163-67. The letters to GW and John Dickinson have not been found but are referred to in HT Snr to StGT, 26 Mar. 1775, Swem Library, W&M, TCP, ser. 1, box 3, fold. 1, item 311.
[210] HT Snr to StGT, 6 Aug. 1775, Swem Library, W&M, TCP, ser. 1, box 3, fold. 4, item 339.
[211] George Bascome to George Clinton, 30 June 1775, *NDAR*, vol. 1, pp. 794-95.

reported that Bermudians 'are greatly alarmed at the present Situation of publick Affairs, being under the most dismal Apprehensions of Starving' and were rumoured to be 'dispatching a Vessel to Philadelphia, to request the Honourable the Continental Congress to take their Case into their most serious consideration'.[212]

To further address the loss of food and other provisions from North America, the representatives at the Paget summit heeded Peyton Randolph's suggestion and agreed to send Henry Tucker Snr and others to Philadelphia to lobby Congress for an exemption.[213] Tucker and the Bermudian delegation arrived in summer and Congress heard the Bermuda petition on 11 July.[214] The American delegates did not immediately lift the embargo, but they did indicate a willingness to lessen the restrictions if the province could provide much needed gunpowder.

The United Colonies also faced negative consequences from the trade boycott and Congress soon had to fix the problems it had created. There was no domestic salt production in any of the mainland colonies. With no trade to other members of the British Empire and the success of the Royal Navy blockade, salt became extremely difficult to acquire.[215] In an age without refrigeration, salt was the only means to preserve meat and cure fish. Salt was also used in cheesemaking, grain was often washed in brine to prevent the spread of 'smuttiness' (ergot), and livestock had to be

---

[212] *New-York Journal*, 27 July 1775; *Pennsylvania Evening-Post*, 27 July 1775; *Connecticut Gazette*, 28 July 1775; *Virginia Gazette*, (Dixon & Hunter), 12 Aug. 1775.
[213] Henry Wilkinson, *Bermuda in the Old Empire: A History of the Island from the Dissolution of the Somers Island Company until the end of the American Revolutionary War, 1684-1784* (London, 1950), pp. 375-79; Jarvis, p. 387; Wilfred Kerr, *Bermuda and the American Revolution, 1760-1783* (Princeton, 1936), p. 42.
[214] *JCC*, vol. 2, p. 174; Petition of the Bermuda Parish Deputies to Congress, [1775], Swem Library, W&M, TCP, ser. 1, box 3, fold. 8, item 380.
[215] Larry Bowman, 'The Scarcity of Salt in Virginia during the American Revolution', *Virginia Magazine of History and Biography*, vol. 77, no. 4 (1969), p. 464; R.L. Hilldrup, 'The Salt Supply of North Carolina during the American Revolution', *North Carolina Historical Magazine*, vol. 22, no. 4 (1945), pp. 393-417.

fed salt to remain healthy.[216] Farmers also sowed salt into their fields to improve the quality of the soil, especially when growing wheat and flax.[217] Richard Henry Lee feared Virginians would remain 'quiet until the absolute want of Salt comes on, and then they will rave and riot'.[218] And indeed, riots broke out in Virginia and North Carolina due to the scarcity of salt. The dearth of salt led to severe illness, especially within the military, and General Washington lamented in 1778 that 'one thing that I fear it is too late to remedy…is the neglect of [pro]curing Salt Provisions in Season, to the want of a proper quantity of which in hot weather, I attribute the prevalency of Fluxes and other disorders in our army'.[219] In the autumn of 1776, Connecticut, fearing an invasion of British troops, moved several thousand bushels of salt kept in Norwalk to prevent them from falling into British hands – showing just how critical the supply of salt was during the War.[220] By the end of July 1775, due to the difficulty acquiring the salt necessary for the civilian population as well as providing for militias and the Continental Army, Congress began looking into the development of salt works to alleviate the shortage.[221]

Heeding Congress's call and attentive to the severe shortages, several member colonies attempted to establish a salt industry. In early 1776, a Massachusetts delegate wrote a treatise on salt making which was adapted to take into account the particularities of North America in the attempt to encourage domestic salt production.[222] Despite these efforts, salt proved difficult to produce. Virginia, for example, began building salt pools

---

[216] Jethro Tull, *Horse-Hoeing Husbandry: Or, an Essay on the Principles of Vegetation and Tillage*, 4th edn., (London, 1762), pp. 139-43; Josiah Twamley, *Dairying Exemplified, or the Business of Cheese-making* (Warwick, 1784), p. 44.
[217] Jared Eliot, *Essays upon Field-Husbandry in New-England* (Boston, 1760), pp. 44, 86-88.
[218] RHL to John Page, 19 Mar. 1776, GLI, GLC05587.
[219] GW to George Clinton, 12 Mar. 1778, GLI, GLC00639.30.
[220] Daniel Gray to Joseph Trumbull, 26 Oct. 1776, MHS, Misc. Bd 1776.
[221] *JCC*, vol. 2, p. 235.
[222] [RTP], *The Art of Making Common Salt Particularly Adapted to the use of the American Colonies* (Boston, 1776).

in the spring of 1776, but by October, after spending over £6,000, only one of the six salt works was operational and only 50 bushels of salt had been produced.[223] The Virginia experiment, like those of other states, ultimately failed.[224]

There was also a dire need for munitions and matériel at the start of the War. The militias and the Continental Army were in short supply of gunpowder. James Madison reported from Virginia in June 1775 that 'Our greatest apprehensions proceed from the scarcity of powder'.[225] After the Battle of Bunker Hill, Washington similarly informed Congress that 'Powder is so essential an Article that I cannot help again repeating the Necessity of a Supply'.[226] There were no active powder mills in the United Colonies; all sulphur had to be imported from Europe and there was limited production of saltpetre.[227] There were few gunsmiths or munitions manufacturers in British America which was further exacerbated by an order of the British Privy Council from October 1774 banning the export of gunpowder, arms, and ammunition to America.[228] As a result of these shortages, American forces raided Ticonderoga and Crown Point in upper New York in May 1775 for cannon and military stores.

As with salt, Congress published a pamphlet outlining several methods of making saltpetre and directed the member colonies to harvest brimstone and sulphur in an attempt to promote the manufacture of gunpowder. Ultimately, however, these measures failed to alleviate the need to import gunpowder.[229] By mid-July 1775, Congress amended the trade embargo to allow Americans 'to load and export the

---

[223] *Journals of the House of Delegates of Virginia, 1776* (Richmond, 1828), p. 95.
[224] Bowman, pp. 467-68.
[225] Madison to William Bradford, 19 June 1775, *Madison Papers*, vol. 1, pp. 151-54.
[226] GW to Congress, 25 June 1775, *GW Papers*, RWS, vol. 1, pp. 32-34.
[227] Neil York, 'Clandestine Aid and the American Revolutionary War Effort: A Re-Examination', *Military Affairs*, vol. 43, no. 1 (1979), p. 27.
[228] *London Gazette*, 25-29 Oct. 1774; York, p. 26.
[229] *JCC*, vol. 2, pp. 85-86, 218-19; *Several Methods of Making Salt-Petre; As Recommended to the Inhabitants of the United Colonies by their Representatives in Congress* (Philadelphia, 1775); Orlando Stephenson, 'The Supply of Gunpowder in 1776', *AHR*, vol. 30, no. 2 (1925), pp. 274-77.

produce of these colonies' in exchange for 'Gun powder, Salt petre, Sulphur…brass field-pieces, or good muskets fitted with Bayonets'.[230] Two days after passing the resolution, Congress voted to send a copy of the amendment to Bermuda accompanied by a request for an account of the provisions necessary to support the inhabitants of the island for a year.[231] Bermuda promptly complied with the request.[232] In response, Henry Tucker Snr wrote to Franklin that the change 'will undoubtedly engage many people to attempt the Supplies of powder &c but the great difficulty in obtaining it will make the Quantities but small'. Nonetheless, Tucker promised '[w]hatever Quantity comes to this place I shall Endeavour to secure that it may be sent to America'.[233]

In the beginning of August, soon after the defeat at the Battle of Bunker Hill, Washington received news from Bermuda that there 'is a very considerable Magazine of Powder in a remote Part of the Island' and believed Bermudians were 'well disposed not only to our Cause in General, but to assist in this Enterprize in particular'.[234] Washington later received information that the Bermudian delegation in Philadelphia believed the powder 'might be easily obtained'.[235] On 6 September 1775, Washington sent an address to Bermuda, explaining that 'the Citizens of America, your Brother Colonists' were in great need of ammunition and 'have turned our Eyes to you Gentlemen for relief'. In return for the much needed powder, Washington promised that 'the whole power and execution of my influence will be made with the Honourable the Continental Congress, that your Island may not only be supplied with Provisions, but

[230] *JCC*, vol. 2, pp. 184-85.
[231] Ibid., p. 187.
[232] Ibid., p. 246.
[233] HT Snr to BF, 12 Aug. 1775, *BF Papers*, vol. 22, pp. 163-67.
[234] GW to Nicholas Cooke, 4 Aug. 1775, *GW Papers*, RWS, vol. 1, pp. 221-23.
[235] Cooke to GW, 11 Aug. 1775, ibid., pp. 288-89.

experience every other mark of Affection and Friendship, which the greatful [*sic*] Citizens of a Free Country can bestow on its Brethren'.[236]

Unbeknownst to Washington, his hope of Bermuda supplying the Continental Army with powder had been carried out several weeks earlier. News of the powder reached the mainland on 7 September, the day after Washington delivered his address. On 14 August, two days after Henry Tucker Snr wrote to Franklin on the relaxation of the embargo, a team of Bermudians seized a hundred barrels of powder from the magazine in St George's and loaded it on a ship to Philadelphia.[237] At the end of November, in recognition of Bermuda's assistance, Congress went beyond its July resolution and granted Bermuda substantial exceptions from the embargo. Because the people 'of Bermuda appear friendly to the cause of America', the delegates approved the exportation of '72,000 bushels of Indian corn, 2,000 barrels of bread or flour, 1,000 barrels of beef or pork, 2,100 bushels of peas or beans, and 300 tierces of rice' to Bermuda annually. Bermudians were to pay for these provisions in salt, but Congress also agreed to export food of 'any amount in exchange for arms, ammunition, salt petre, sulphur, and field pieces'.[238]

America's severe want of salt and Bermuda's abundance of it gave Bermuda leverage in negotiations with Congress. The gift of gunpowder proved, to American minds, the sincerity of Bermuda's claim to support the Revolutionary cause and secured the province channels of trade. The exemptions from the embargo, however, drew Bermuda well within an American sphere of influence for the rest of the War.

[236] GW to the Inhabitants of Bermuda, 6 Sept. 1775, LoC, WP, MS 44693, ser. 3d, letterbook 1, ff. 1-2.
[237] *Pennsylvania Evening-Post*, 9 Sept. 1775; Gov. GJB to Dartmouth, 17 Aug. 1775, TNA, CO 37/36, fo. 70; the gunpowder arrived in Philadelphia on 25 August 1775 on the *Lady Catherine*, see Minutes of the Committee of Safety, 26 Aug. 1775, *Colonial Records of Pennsylvania*, vol. 10, (Harrisburg, 1852), p. 321.
[238] *JCC*, vol. 3, p. 362.

Bermuda's severe shortage of food ensured the island would be locked into a degree of compliance.

Rebels or Neutrals?

Governor George James Bruere denounced the powder theft as the 'most villainous crime'.[239] Bruere speculated that the 'Robbery committed on the Powder Magazine, must have been assisted at least, by some of the Inhabitants, because their Whale Boats, towed it off to a Carolina vessel' and suspected some slaves of taking part.[240] Furthermore, the governor's son informed the Secretary of State for the Colonies that the 'People of Bermuda early embraced the Rebel Side, breaking into the Powder Magazine in the Night…many of the House of Assembly and some even of His Majesty's Council being very strongly suspected to have been present at this Exploit'.[241] Francis Jones, the president of the provincial council, was found to have taken part in the assault on the powder magazine and of having subsequently sold additional powder 'to the Rebells Agents'.[242] Members of the Assembly attempted to steal the Governor's dispatches to prevent the powder incident from being relayed to General Thomas Gage and other British officials.[243]

Bermudians themselves favoured calling the incident a "theft" as a creative compromise in order to maintain the façades of loyalty to Britain and favourable neutrality to the United Colonies. Although members of both the Council and the Assembly took part in the Powder Theft, the event is recorded in the legislative minutes as the 'atrocious and daring Robbery' and the 'horrid and daring act' of unknown

[239] Gov. GJB to Dartmouth, 2 Sept. 1775, TNA, CO 37/36, fo. 76.
[240] Gov. GJB to Germain, 14 July 1779, TNA, CO 37/37, fo. 52; Gov. GJB to Dartmouth, 17 Aug. 1775, TNA, CO 37/36, fo. 70.
[241] George Bruere to Germain, 7 Aug. 1776, TNA, CO 37/36, fo. 104.
[242] Ibid.
[243] Gov. GJB to Dartmouth, 13 Sept. 1775, TNA, CO 37/36, fo. 78; see also, Gov. GJB to Dartmouth, 23 Feb. 1776, TNA, CO 37/36, fo. 96, and Gov. GJB to Germain, 14 July 1779, TNA, CO 37/37, fo. 52.

assailants.[244] Even as late as 1782, Bermudians continued to promote the fallacy that Americans stole Bermuda's gunpowder and newly installed governor William Browne repeated the claim that the powder 'was stolen from here by the Rebels' to Whitehall.[245] Despite these efforts, after the powder "theft" Bermudians gained a reputation of rebelliousness with British officials and Vice-Admiral Samuel Graves reported that 'the Rebels of the Continent are indefatigable in spreading their poison, and that even Bermudas and the Bahama Islands abound with men under their influence'.[246] By December 1775, Parliament passed the Prohibitory Act, banning British trade with the rebelling colonies attending Congress.[247] Bermuda gained an exemption from the congressional embargo only to have Britain force the island's sole source of food into illicit channels.

Bermuda's reputation among British officials worsened after it became clear that its inhabitants had directly engaged with the American congress. The fact Bermudians were supplying the Patriot-Rebels with salt gave additional concern to the continued meetings of the extra-governmental island representatives. Reverend Thomas Lyttleton, the Anglican Rector of the Bermudian parishes of Pembroke and Devonshire, wrote to Lord George Germain, the Secretary of State for the Colonies, condemning the parish conferences as an 'illegal meeting' led by men 'with self-interested views & under the influence of wrong principles' who 'persuaded the people that unless they address'd the Congress they should inevitably starve for want of provisions'.[248] Governor Bruere denounced the actions of the parish delegates and their

[244] Votes and Proceedings of Bermuda General Assembly, May 1775-July 1776, TNA, CO 40/20, ff. 37, 39.
[245] Gov. William Browne to Germain, 8 May 1782, BermA, Governor Browne Correspondence, PA 336, fold. 4.
[246] Samuel Graves to Philip Stephens, 9 Oct. 1775, *NDAR*, vol. 2, p. 371.
[247] 16 Geo. III c. 5.
[248] Lyttleton to Germain, 27 Jan. 1776, TNA, CO 37/36, fo. 88.

audacity to dictate the workings of government and charged Bermudians with attempting 'to usurp the Executive power of Government' and 'encroach on the prerogative of the Crown'.[249] The governor soon found himself isolated. 'Since the Delegates have been appointed…there seems to be but very few friends to Government' and 'I have scarce a man that I can put any Confidence in'.[250] The meetings of the delegates resulted in 'notorious proceedings, tending towards assisting, and incouraging the American Rebells, by suppling with large quantities of Salt carried directly from the Turks Islands'.[251] Bruere's repeated letters to the British government resulted in Germain's declaration that the 'disorderly & undutiful Behaviour of the Assembly & Inhabitants of Bermuda…marks a Spirit of Licentiousness'.[252] Unsurprisingly, officials like Bruere and Germain saw the actions taken by Bermudians as subversive and edging on rebellion rather than neutral.

Bermudians were trapped between Scylla and Charybdis; they were trying to appease both British and American factions simultaneously. Their interaction with Congress piqued the suspicion of the governor and led to military placements on the island which in turn exacerbated the problem which caused them to appeal to Congress in the first place. In 1776, Silas Deane, a diplomat and former Connecticut delegate, reported that a Bermudian agent had arrived in London 'with a declaration to the ministry of the necessity of their being supplied with provisions from the Colonies, and saying that, if not permitted, they must ask the protection of Congress'.[253] Notably, Deane reached his diplomatic post in France by way of Bermuda, posing as a

[249] Gov. GJB to Germain, 29 Apr. 1777, TNA, CO 37/36, fo. 151.
[250] Gov. GJB to Dartmouth, 2 Sept. 1775, TNA, CO 37/36, fo. 77; Gov. GJB to Dartmouth, 20 Aug. 1775, TNA, CO 37/36, fo. 74.
[251] Gov. GJB to Germain, 14 July 1779, TNA, CO 37/37, fo. 52.
[252] Germain to Gov. GJB, 7 Jan. 1778, TNA, CO 37/37, fo. 1.
[253] Silas Deane to Committee of Secret Correspondence, 1 Oct. 1776, *Revolutionary Diplomatic Correspondence of the United States*, vol. 2, ed. Francis Wharton, (Washington, 1889), p. 155.

Bermudian merchant with the assistance of John Tucker and other locals so as to evade British officials.[254] Royal Navy forces were stationed in Bermuda by 1777. The military presence further exacerbated food shortages and misconduct by soldiers fed local ill-will towards British officials. Henry Tucker Snr complained that the soldiers 'have drained the Country of money & are now depriving us of bread. They commit every Act of Hostility, keep all the Bermudians they take as prisoners on board, have broke open Mr Harvey's Stores, enter'd sev[era]l houses forcibly and committed Violence in them, Stigmatise the people of the first Char[a]c[ter]s with being rebels'.[255] Furthermore, because of their willingness to engage with Congress and trade with the rebelling American colonies, British officials saw Bermudians as Rebel-sympathisers and inherently suspicious. But, as Patricia Rogers has found in her work on illicit trade in eighteenth-century Nova Scotia, smuggling between loyal and rebelling regions in North America often 'signified an evasion of inconvenient policies' rather than 'a commentary on…allegiance to the empire'.[256]

In an attempt to vindicate themselves to the Mother Country, the Council and Assembly petitioned the King in 1776 complaining that 'their conduct has been stigmatised as undutiful and Disloyal'. The petition surprisingly acknowledged that Bermudians had engaged with Congress and were trading with the Patriot-Rebels in violation of parliamentary legislation. Illustrative of Rogers's argument that smuggling between loyal and disloyal provinces was not necessarily rooted in ideology, Bermudians argued the danger of losing the colony's primary source of provisions left 'no Alternative but an application to the American Congress' and to ignore the

[254] Deane wrote of his 'Arrival in France by the way of Bermuda…in the character of a mercht': Deane to Joseph Reed, [1784], CHS, Silas Deane Papers, MS Deane1789, box 4, fold. 94, fo. 49; Robert Morris to Silas Deane, 30 Mar. 1776, CHS, Deane Papers, box OB 3, fold. 19, ff. 12c-12c 2.
[255] HT Snr to StGT, 2 Apr. 1777, Swem Library, W&M, TCP, ser. 1, box 3, fold. 12, item 438.
[256] Patricia Rogers, 'Rebel's Property: Smuggling and Imperial [Dis]Loyalty in the Anglo-American Atlantic', *JEAH*, vol. 2, (2012), p. 36.

Prohibitory Act. The petition begged the British government to recognise that Bermudian neutrality was rooted in self-preservation.[257] A second petition to the Throne in 1777 shows that Bermudians, including those engaging directly with Congress, remained willing to work within the British system and appeal to the man Americans had since denounced as a tyrant.[258] Despite attempting to steer a middle path, the Council and Assembly of Bermuda were condemned by the governor for playing 'the detestable double part of subjects of Britain and friends to her enemies'.[259]

The complaints that the Royal Navy syphoned bread away from civilians continued and by 1779 provisions reached dangerous lows.[260] In early April 1779, Joseph Darrell informed his cousin on the mainland that 'the Distress of this Island is Lamantable 4:5^{ths} of the People has not a mouthfull of victuals…some have already died, & without speedy Relief, many more will die'.[261] St George Tucker's sister, Frances, wrote to him in late-November that 'we are in a Melancholy situation at present; numbers of People have died for want or of feeding on such food as has brought on disorders'.[262] His sister Elizabeth similarly reported that 'thousands have suffer'd, and many have perished for want of Bread…such are the sad Effects of our being overrun with soldiers, and Privateers, and the ill Conduct of a misjudging Governor'.[263]

In response to dwindling supplies, George Bascome wrote to the President of Congress pleading 'for the Necessaries of Life' and stating 'Bermudians are indebted to the Benevolence of Congress for their support for upwards of three Years past'

---

[257] Address of the Council and Assembly of Bermuda to GIII, 12 July 1776, TNA, CO 37/36, ff. 112-13.
[258] Address of the Inhabitants of Bermuda to GIII, 26 Apr. 1777, TNA, CO 37/36, ff. 141-44.
[259] *Gazette of Saint Jago de la Vega*, [Jamaica], 31 May 1781.
[260] *Virginia Gazette*, (Dixon & Nicolson), 8 May 1779; *Providence Gazette*, [Rhode Island], 15 May 1779.
[261] Joseph Darrell to StGT, 7 Apr. 1779, Swem Library, W&M, TCP, ser. 1, box 5, fold. 3, item 730; see also, John Green to BF, 25 June 1779, *BF Papers*, vol. 29, pp. 737-38.
[262] Frances Tucker to StGT, 26 Nov. 1779, Swem Library, W&M, TCP, ser. 1, box 5, fold. 10, item 822.
[263] Elizabeth Tucker to StGT, 25 Nov. 1779, Swem Library, W&M, TCP, ser. 1, box 5, fold. 10, item 819.

without which the island would have starved.[264] The presence of the British garrison and the growing number of privateers using Bermuda as a base of operations, however, caused Congress to question the Bermudians commitment to neutrality. In January 1778, Bridger Goodrich, a Virginia Loyalist exile, was licenced as a privateer by the Governor of Bermuda.[265] Goodrich had become such a prolific privateer that by late 1778 the Marine Committee of Congress declared 'it an Object of importance to destroy the infamous Goodrich who has much infested our Coast'.[266]

The congressional committee charged with reviewing Bascome's request contended that 'so long as Bermuda shall continue to be guarded by British ships and garrisoned by British soldiers, how powerfully soever humanity may plead in their behalf, and the disposition of Congress incline them to relieve the distresses of Bermuda' they could not afford to help, fearing the provisions would go to the British troops.[267] In contrast to his earlier address to Bermuda, Washington argued that exceptions should no longer be made and called on President John Jay to end the provisions-for-salt scheme: 'Indulging them with a supply of provisions at this time will be injurious to us…and will contribute to the support of that swarm of Privateers, which resort to Bermudas, whence they infest our Coast and in a manner annihilate our trade. Besides these considerations, by with-holding a supply, we throw many additional mouths upon the enemy's Magazines, and increase proportionably their distress'.[268]

---

[264] George Bascome to JJ, 5 Apr. 1779, RBML, Columbia University, Jay Papers, 5478.
[265] Commission as Privateer for Bridger Goodrich, 10 Jan. 1778, BermA, Book of Commissions, vol. 5, fo. 371.
[266] Marine Committee to the Eastern Navy Board, 16 Nov. 1778, *LDC*, vol. 11, p. 222; see also, George Mason to RHL, 21 July 1778, Small Spec. Coll. Lib., UVa, Lee Family Papers, MS 38–112, box 16.
[267] *Pennsylvania Packet*, 5 June 1779.
[268] GW to JJ, 23 Apr. 1779, *GW Papers*, RWS, vol. 20, pp. 174-77.

Cognisant of their diminished status among influential Americans, Bermuda once again sent a team of envoys to Philadelphia to plead their case: Leonard Albouy, Joseph Basden, William Murray, and Nathaniel Prudden. In addition to Bascome's letter to John Jay which Albouy had presented in person, these envoys sent an additional five petitions to Congress between April and May which stress the difficulty Bermuda experienced in 'evincing…a Disposition to Neutrality' to both the Scylla of Britain and the Charybdis of the United States.[269] The envoys expressed Bermuda's resentment at being considered 'in the undistinguished light of subjects of the King of Great Britain, and enemies to these United States' and argued that Bermuda's 'present Misfortunes, are in a great measure' due 'to the Attachment they have manifested to North America and its Cause'. They asserted that nine-tenths of the colony supported the US and 'all they could, they did do' to support the American cause.[270] The envoys emphasised that in 1778, the island delegates had already denounced the 'piratical practices of a certain Bridger Goodrich' and resolved to neither 'buy nor Sell to the British Privateers'[271] and assured Congress that if provisions were shipped to Bermuda none 'wou'd fall into the hands of the British Garrison' or be sold to privateers.[272]

After the flurry of new petitions by the small delegation of Bermudian envoys, Congress reversed its earlier decision on account of the 'number of important vouchers in proof of their warm attachment to these states' and assurance that 'any provisions which may arrive at their islands will be faithfully and entirely applied' for the use of

[269] Bermuda Petition to President and Members of Congress, 28 Mar. 1779, NARA, PCC, RG 360, M247, roll 48, item 41, vol. 1, fo. 177.
[270] Leonard Albouy, Joseph Basden, and Nathaniel Prudden to Congress, 7 May 1779, NARA, PCC, RG 360, M247, roll 48, item 41, vol. 1, fo. 36.
[271] At a Meeting of the Inhabitants of Bermuda at Crow Lane, 5 Sept. 1778, TNA, CO 37/39, ff. 2-3; Albouy, Basden, and William Murray to Congress, 17 May 1779, NARA, PCC, RG 360, M247, roll 90, item 78, vol. 1, fo. 267.
[272] Albouy, Basden, Murray, Prudden to Congress, 16 May 1779, NARA, PCC, RG 360, M247, roll 90, item 78, vol. 1, fo. 257.

the inhabitants and not the British forces or the West Indian colonies.[273] Although food transports resumed, Bermuda remained in a precarious situation for the remainder of the War.

Bermudians considered the United States to be equally powerful as the British and continued to defy the directives of the governor and London. In a further attempt to not be perceived as biting the hand that feeds, Bermudians sought to assure Congress of their neutrality by releasing American prisoners-of-war. In 1779, the governor was forced to release 86 prisoners-of-war due to the lack of food on the island and the fact that 'Bermudians do not like to carry them' and found it increasingly difficult to hire ships to carry prisoners to other British-controlled ports.[274] The governor was further vexed by the fact that it was the 'disposition of many People in Bermuda to further the escape of Rebel Prisoners'.[275] Several months later, the governor commissioned Capt. Thomas Cobb of the appropriately named sloop *Ready Money* to transport another set of American prisoners-of-war to the US.[276] By 1781, Lieutenant Governor George Bruere conceded defeat and openly defied orders from the British imperial centre. He reported to Whitehall that although instructed to send prisoners-of-war to the British strongholds in New York or South Carolina, the inclination of Bermudians to aid the rebel prisoners to escape and the high cost of feeding, gave him no option but to openly send the captured Americans to 'the most convenient rebel port'.[277]

Historian Wilfred Kerr has argued that Bermuda could hardly be said to be a neutral party; 'Bermudian relations with the States from 1775 to 1782' were 'those of

[273] *JCC*, vol. 14, p. 608.
[274] Gov. GJB to Germain, 1 May 1779, TNA, CO 37/37, fo. 46; Gov. GJB to Germain, 6 Apr. 1780, TNA, CO 37/37, fo. 77.
[275] Lt Gov. George Bruere to Germain, 15 Jan. 1781, TNA, CO 37/38, fo. 38
[276] Commission of Prisoner Transportation for Thomas Cobb, 1 June 1779, BermA, Book of Commissions, vol. 5, fo. 453.
[277] Lt Gov. George Bruere to Germain, 15 Jan. 1781, TNA, CO 37/38, fo. 38

an ally rather than a neutral'.[278] Although there is validity to Kerr's criticism, Bermudians believed themselves to have acted as neutrals. In 1778, Bascome remarked that 'in the midst of this mighty Struggle for Glory, Dominion & Liberty, poor little Bermuda has observed a strict neutrality. This perhaps you will say was the most difficult political manœuvre that could be attempted. Be it so; God be thanked – the lives of fourteen thousand Souls have been saved by it'.[279] Furthermore, Congress itself recognised Bermuda's status as semi-neutral. In August 1780, Congress received a petition from Joseph Basden complaining that his sloop *Kitty* had been seized by the French off the Turks Islands.[280] The delegates sided with Basden on the grounds that Bermuda was to be considered 'in a friendly or at least in a neutral relation' and ordered the petition along with a declaration of Bermuda's status be forwarded to the French to protect that neutrality.[281] While this episode shows a commitment to Bermuda's declared neutrality, it also highlights that Bermuda had become an unofficial US protectorate and that the US government was willing to act on Bermuda's behalf in an international setting.

Invasion and Annexation

With Independence the dynamic between Congress and Bermuda began to change. The United Colonies were now a self-declared sovereign nation outside the British Empire and Congress had shifted from an interprovincial summit attempting a reform of imperial rule to a proto-national government. Now independent, the American Charybdis grew stronger and Congress now looked to annex the remaining provinces of British America. In early August 1776, as the delegates prepared to

[278] Kerr, p. 131.
[279] George Bascome to StGT, 28 Mar. 1778, Swem Library, W&M, TCP, ser. 1, box 4, fold. 6, item 459.
[280] Petition of Joseph Basden to Congress, 26 June 1780, NARA, PCC, RG 360, M247, roll 48, item 41, vol. 1, ff. 287-289.
[281] *JCC*, vol. 17, pp. 695, 722; Samuel Huntingdon to Chevalier de la Luzerne, 12 Aug. 1780, *LDC*, vol. 15, pp. 571-72.

formally sign the Declaration of Independence, Samuel Adams asserted that the 'West India Islands appear as the necessary appendages to this, our Empire. They must owe their support to it, and e'er long, I doubt not, some of them will from necessity wish to enjoy the benefit of our Protection'.[282] By October, Congress drafted a peace proposal demanding the cession of the 'Colonies of Quebec, St. John's, Nova Scotia, Bermuda, East and West Florida, and the Bahama islands, with all their adjoining and intermediate territories' to the US.[283]

Annexationist plans continued to play prominently, and in 1777 American diplomats in Paris made clear that the 'Object of the War' was not only 'to obtain…for the United States the Establishment of their Independance' but also the 'Conquest of Canada, Novascotia, Newfoundland, St. Johns, the Floridas, Bermuda, Bahama and all the West India Islands'.[284] The final version of the Treaty of Alliance with France, furthermore, contained a clause guaranteeing that if 'the united States should think fit to attempt the Reduction of the British Power remaining in the Northern Parts of America, or the Islands of Bermudas, those Countries or Islands in case of Success, shall be confederated with or dependent upon the said united States'.[285] This construction leaves open the possibility of a conquered territory becoming dependent on the US – and thus in a subordinate position akin to a colony or protectorate – rather than becoming a full member of the Union. Although Québec, Nova Scotia, the Bahamas, and Bermuda were perceived to have significant pockets of Patriot-Rebel sympathisers when the treaty was signed in 1778, the rest of British America and the

[282] SA, *An Oration Delivered at the State-House, in Philadelphia, to a Very Numerous Audience; on Thursday the 1st of August, 1776* (London, 1776), pp. 37-38.
[283] Sketch of Propositions for Peace, [c. Sept. - Oct. 1776], *BF Papers*, vol. 22, pp. 630-33.
[284] American Commissioners to Vergennes, 18 Mar. 1777, ibid., vol. 23, pp. 502-05.
[285] Treaty of Alliance, 6 Feb. 1778.

British West Indies were not, and shows Congress taking on its own imperial aspirations.

The French did attempt to make good on the territorial provisions in the Treaty of Alliance. In February 1780, the Marquis de Lafayette informed the French government of his intention to land French troops on «la Bermude» and establish «le parti de la liberté» in fulfilment of the Treaty.[286] While this ultimately failed to materialise, the French successfully captured the Turks in February 1783 «sans trouver résistance» from the resident salt-rakers.[287] Despite the treaty stating French captures outside the West Indies would be given to the US, the French returned the Turks to Britain by Article 19 of the Treaty of Versailles (1783).

By 1776 Bermuda had been stripped of most of its defences; the gunpowder theft of 1775 and Governor Bruere's removal of cannons from island forts left the colony largely undefended. Historian Michael Jarvis argues that '[r]eeling from the disastrous invasion of Quebec and the successful but expensive attack on New Providence, the Continental Congress declined embarking on further offensive operations and thus passed up a golden opportunity to take an undefended Bermuda'.[288] Despite turning down the opportunity to invade Bermuda after the invasion of the Bahamas in 1776, there was growing public interest.

With the arrival of British forces in Bermuda, the province became a weighstation and base for privateers targeting American merchant ships. In 1778, a congressional committee debated plans from General Benedict Arnold 'to undertake an expedition against Barbadoes, and, in returning from that Island to take possession of

[286] Lafayette à Vergennes, 2 Feb. 1780, *Histoire de la Participation de la France à l'établissement des États-Unis d'Amérique: Correspondance Diplomatique et Documents*, ed. Henri Doniol, vol. 4, (Paris, 1890), p. 314: 'Bermuda'; 'the party of liberty'.
[287] Yves-Joseph de Kerguelen-Trémarec, *Relation des Combats et des Événements de la Guerre Maritime de 1778 entre la France et l'Angleterre* ([Paris], 1796), p. 337: 'without finding resistance'.
[288] Jarvis, p. 416.

Bermudas in the name of the United States'. Arnold's proposal was justified in part because of the 'swarm of privateers' stationed in Bermuda and the fear that 'inhabitants who are now our friends must from necessity become formidable enemies to our commerce if this measure is not adopted'.[289] Around the time of Arnold's proposed invasion, an American ship captain named Bowen who had been taken prisoner by Goodrich, had been released and sent back to the US. After his return from Bermuda, Bowen reported that 'most of the inhabitants were wishing we should send a body of men to take the place' and believed 'at least three fourths would join us'.[290] Although this indicates Bermudian support for the United States, it is not an objective description of Bermudian sentiment and better indicates a latent public, "bottom-up" drive for annexation in the US.

Calls for an invasion of Bermuda began to resurface in the 1780s. In the summer of 1780, Colonel Timothy Pickering received a letter from a Bermudian ship captain named B. Joel[291] with information for a planned invasion of Bermuda. Joel included two maps, one showing the location and relative strength of Bermuda's fortifications, and a second detailed map of St George's. In this second map, Joel marked the homes

[289] Benedict Arnold, Proposed West Indian Expedition, 8 Sept. 1778, *LDC*, vol. 10, pp. 603-04.
[290] *Pennsylvania Evening-Post*, 9 Oct. 1778.
[291] Capt. B. Joel has been difficult to positively identify, but Joel is a common Bermudian surname and the map of St George's and identification of 'Friends of America' would require the knowledge of a long-time resident. Additionally, a 1780 report on the author of this letter stated that 'Mr Anderson, when a prisoner in Bermuda, was a little acquainted with Capt. Joel, having lain one night in the room with him, but heard him often talkd of on account of his attachment to a Lady & quarrel with the Governor to whom he sent a joint of one of his fingers', see Lewis Nicola to War Board, 22 June 1780, LoC, WP, MS 44693, ser. 4, reel 67, 139–51. This is presumably the Anderson who was released in 1780 aboard the *Evening Star*, see Commission of Prisoner Transportation for Hinson Gilbert, 30 Mar. 1780, BermA, Book of Commissions, vol. 5, fo. 471. The Joel who wrote to Pickering should not be conflated with Capt. Beesly Joel who deserted from the King's Rangers in 1780; see Memorial of Capt. Beesly Joel to Congress, 21 July 1780, NARA, PCC, RG 360, M247, roll 50, item 41, vol. 4, ff. 400-01. Beesly states that he enlisted in 1776 (presumably in New York when Robert Rogers raised the Queen's Rangers) which makes a Bermudian connection tenuous and diminishes the possibility of crossing paths with Anderson in the Bermuda gaol. In a report by the Board of War it was reported that Beesly's father was the chaplain to the Duke of Richmond making a Bermudian connection more unlikely, see Benjamin Stoddert to Samuel Huntington, 31 Oct. 1780, NARA, PCC, RG 360, M247, roll 159, item 147, vol. 4, fo. 630.

Fig. 5



B. Joel, *Map of St George's*, 1780, Massachusetts Historical Society, Boston, MA, Timothy Pickering Papers, MS N-708, box 56, fo. 193.

---

of 'Friends of America' in the capital who would assist in a US takeover of the colony which included a number of prominent Bermudians: the Rector of Their Majesties' Chapel Reverend Alexander Richardson, provincial treasurer Henry Tucker Jnr (St George Tucker's brother and the Governor's son-in-law), provincial secretary John Lewis, Chief Justice Jonathan Burch, provincial councillors Dr George Forbes and John Esten, assemblyman Capt. Henry Tucker (not to be confused with Henry Tucker Snr, Henry Tucker Jnr, or Henry Tucker of Somerset), and Comptroller of Customs Copeland Stiles. In total, Joel listed 37 pro-American households (SEE FIG. 5).[292] In October of the following year, St George Tucker wrote to General Washington several times requesting and outlining an American occupation of Bermuda. Tucker sought to convince Washington of the ease of conquering Bermuda and assured him that the

[292] B. Joel to Timothy Pickering, 17 July 1780, MHS, Timothy Pickering Papers, MS N-708, box 56, fo. 192A; for the identification of Rev. Richardson, see Commission of Alexander Richardson as rector of the Anglican Church in St George's, 19 Mar. 1778, BermA, Book of Commissions, vol. 5, fo. 369. The identification of Capt. Henry Tucker is based on the ownership of the Governor Day House, see Michael Jarvis, *Bermuda's Architectural Heritage: St George's* (Hamilton [Bermuda], 1998), p. 74.

'general Idea entertained by Marriners of the Danger of the coast of Bermuda tho by no means erroneous, is nevertheless extremely magnified'.[293] He believed a successful invasion could be completed with 'a fifty Gun ship and three or four Frigates' and limited land forces as the only garrison in Bermuda was populated by 'three or four hundred Invalids'.[294]

Two of Tucker's invasion letters contained detailed proposals for the terms of capitulation should the conquest be successful. Tucker wanted Bermuda to retain its current government with the exception of the Crown governor, and stipulated that 'to the End that the Benefit of that neutrality may be perfectly secured' Bermuda would be 'permitted to trade without molestation, with Great Britain or any of her Depenncies as well as with France & her Depenncies and the united states of America'.[295] Bermudians would be allowed to trade with the British Empire which, by the Continental Association, the American states could not. Despite requesting a Continental invasion, Tucker was not asking for unification and included a 'Secret Article' in his proposal requiring that 'at the conclusion of the War the Island of Bermuda…be considered as an Independant State, perfectly free to establish such form of Government, and to enter into such political Connections as the Inhabitants may think proper'.[296] Bermuda was to have the autonomy to decide 'whether it shall be restored to the Crown of Great Britain or annexed to the united states'.[297]

By the early 1780s, America's attitude towards Bermuda had further shifted to suspicion. In March 1781, James Madison moved to revoke Bermuda's neutral status and repeal all exemptions granted to it on the basis that the 'original grounds of these

[293] StGT to GW, 25 Oct. 1781, LoC, WP, MS 44693, ser. 4, reel 81, 186–111.
[294] StGT to GW, 23 Oct. 1781, LoC, WP, MS 44693, ser. 4, reel 81, 186–90A.
[295] StGT to GW, 25 Oct. 1781, LoC, WP, MS 44693, ser. 4, reel 81, 186–111.
[296] StGT, Articles to be Proposed to the Island of Bermuda as the Basis of a Capitulation, 26 Oct. 1781, LoC, WP, MS 44693, ser. 4, reel 81, 186–90B.
[297] StGT to GW, 25 Oct. 1781, LoC, WP, MS 44693, ser. 4, reel 81, 186–111.

indulgences no longer exist' and on the belief that Bermudians were keeping a 'clandestine' trade 'with the enemy'.[298] Madison's motion was partially adopted, but the final resolution stated that 'this ordinance shall not extend to authorize the capture or condemnation of any vessel belonging to any inhabitant of Bermudas, which, being loaded with salt only, may arrive in any of these United States'.[299] Americans were also becoming restless for an invasion. In 1781, James Mitchell Varnum, a Rhode Island delegate and former brigadier general in the Continental Army, wrote to Washington (in the same month as Tucker) that the conquest of Bermuda was necessary because of its strategic value. British privateers used Bermuda as a base to harass American shipping; 'A Conquest might relieve us from that Inconvenience & convert it into a Place of Arms for our own Vessells'. He predicted that it would 'form an excellent Barrier against naval Operations in a future War'. Varnum furthermore asserted that Bermuda was America's for the taking; 'It was intended to be annexed to [America] when the Treaty of Alliance was formed with France'.[300] Bermuda, despite its geographical isolation, was in the middle of the sea routes between Europe and the West Indies. George Bruere adequately described Bermuda as 'so situated that all Vessels to and from America to the West Indies, between the West Indies and Europe, America and Europe; must cross within a few Leagues'.[301]

In a memorandum on the state of American forces from May 1782, Washington outlined a streamlined version of Tucker's plan for invasion. But, despite the emphasis on neutrality in Tucker's letters, Washington recorded that Bermudians 'wish to be united with America'.[302] By August 1782, a New York delegate reported to Washington

[298] *JCC*, vol. 19, pp. 270-71.
[299] Ibid., p. 316.
[300] James Mitchell Varnum to GW, 2 Oct. 1781, LoC, WP, MS 44693, ser. 4, reel 81, 185–43.
[301] George Bruere to Germain, 7 Aug. 1776, TNA, CO 37/36, fo. 104.
[302] Summary of British and American Forces, 1 May 1782, LoC, WP, MS 44693, ser. 4, reel 84, 196–104.

that Pennsylvania had 'instructed their delegates to press an attempt upon Bermuda to secure their commerce from the injury the privateers of that I[s]land do them'.[303] A month later, an editorial in the Philadelphia *Freeman's Journal* publicly called for an invasion of Bermuda for 'reducing them to the obedience of the United States'. Like Varnum and the Pennsylvanian government, the editorial called for conquest on the basis of strategic value: 'Bermuda is extremely well situated for an enemy to annoy the European and West India commerce of North America in time of war'.[304]

These proposals all emphasise the potential benefits annexation would have for the United States. They were not couched in the language of liberation or humanitarian relief. In stark contrast to Québec, none talk of statehood and instead speak of reducing Bermuda to 'obedience' and 'taking possession in the name of the United States'. The US continued to insist on the annexation of Bermuda and during the 1782 peace negotiations in Paris the American Commissioners pushed for Québec, Nova Scotia, and Bermuda to be 'declared free & Independent States, and at Liberty to join the Confederacy'.[305] These proposals show that Americans believed themselves to be fully ready for empire.

CONCLUSION

In the maelstrom of the Revolution, Bermudians navigated a course of semi-neutrality while acting in complicity with the Patriot-Rebels. George Bruere remarked that Bermudians 'are the completest masters' of deception 'I ever met, by getting over most Oaths, making the most Loyal professions at home, though, at the same time acting diametrically opposite to them'.[306] Bermudians supported American efforts and

[303] RRL to GW, 6 Aug. 1782, NYHS, R.R. Livingston Papers.
[304] *Freeman's Journal*, [Philadelphia], 4 Sept. 1782.
[305] 10 Dec. 1782, *Adams Papers*, Diary of JA, vol. 3, pp. 94-5; Sketch of Articles of Peace, Dec. 1782, *BF Papers*, vol. 38, pp. 433-35.
[306] Lt Gov. George Bruere to Germain, 7 Jan. 1781, TNA, CO 37/38, fo. 36.

frustrated British policy, but stopped short of open rebellion and continued to appeal to the Mother Country. Bermudians exploited their weaknesses stemming from geography, population, and sustenance to defend collusion with the Americans to the British and to defend their reluctance to openly join the Revolution to the Americans. Nonetheless, they circumvented the Crown by establishing a shadow assembly of parish delegates to work with the United States and sent envoys on several occasions to plead their case before Congress.

The severe shortage of salt in the United Colonies led to rioting and illness, giving Bermuda leverage with Congress. The gift of gunpowder further proved, to Patriot-Rebel minds, Bermuda's sincere support for the Revolution. While Bermudians exploited their abundance of salt to gain leverage in negotiations with Congress to be exempt from the embargo, it came at a cost. The food-for-salt scheme drew Bermuda within the sphere of US power and Gouverneur Morris was not wrong when he declared that 'Bermuda is so dependent on us, that' Britain 'cannot wish to hold it *in terrorem*'.[307] Although Congress paid lip-service to the Bermudian desire for neutrality, American leaders had designs of their own. After declaring independence, Congress had intentions of annexing and taking control of Bermuda and Britain's entire New World empire; policies which were discussed since the 1776 provisional peace plans, codified in the 1778 Alliance with France, and attempted in the 1782 peace negotiations. Nor was Congress alone in this; there was pressure from the nascent American public for conquest and expansion.

[307] *Pennsylvania Packet*, 11 Mar. 1779.

Québec: From Liberation to Occupation

Just as Congress seriously considered from an early date whether and how Bermuda could be annexed to the emergent American Empire, the delegates also looked to bring Québec into their fold. Congress issued three addresses between 1774 and 1776 inviting the inhabitants of Québec, both French and British, to voluntarily join the American cause while simultaneously discussing plans to invade. Of the colonies and British possessions Congress had extensive contact with, the relationship with Québec was one of the most direct and perhaps the most volatile; complicated by its proximity, its recent acquisition to the British Empire, and the difference of religion, language, and culture. The 1777 Articles of Confederation provided 'Canada acceding to this Confederation…shall be admitted into and entitled to all Advantages of this Union; But no other Colony shall be admitted into the same, unless such Admission be agreed to by the Delegates of nine Colonies'.[308] Canada was the only province to be given separate, more lenient conditions on admission; however, if another British colony had made an application it seems highly unlikely that any state would have rejected it. The Continental Army occupied Québec for ten months; the only other significant military occupation, that of the Bahamas, lasted just a few weeks in 1776 and again in 1778.[309] Although the towns on the St John River in Nova Scotia were occupied for the month of June 1777, the invading forces consisted of less than 100 men; the occupation lasted so long only because the inhabitants had previously 'declared Independency & publically thrown off the Yoke of Britain', combined with the slowness of British

[308] *JCC*, vol. 5, p. 554.
[309] John McCusker, 'The American Invasion of Nassau in the Bahamas', *American Neptune*, vol. 25, no. 3 (1965), pp. 189-217; Nedervelt, pp. 747-69.

troops to respond.[310] Invasions of other provinces were commonly talked of and planned but went unfulfilled before the War's end.

Although pertaining only to that province, the Quebec Act was viewed by many colonists as a threat to all British America. Declaring that 'it is at present inexpedient to call an Assembly' in Québec, the Act vested all political power in the unelected Legislative Council and the Crown governor. Furthermore, the provincial government was expressly denied the power to levy taxes for any purpose other than the maintenance of roads and public buildings.[311] By a second statute, Parliament imposed a provincial tax on spirits and molasses 'for defraying the charge of the administration of justice and the support of civil government' in Québec, a particularly damning move in an era when parliamentary taxation of the colonies was fiercely contested.[312] King George III's 1763 Proclamation had promised Québec and the other territories conquered in the Seven Years' War 'that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government'.[313] The Quebec Act made no provisions for any form of local government which could have eased the *Québécois* into self-rule or prepared the province for a legislative assembly.[314] For many, the Quebec Act reneged on the King's promise of representative government and put the province under greater control of Parliament and an unpopular

[310] John Allan to Hancock, 2 Apr. 1777, MHS, John Allan Papers, MS N-1755, fold. 4. For an account of the 1777 St Johns Expedition, see John Allan's Journal in Frederic Kidder, *Military Operations in Eastern Maine and Nova Scotia during the Revolution* (Albany, 1867), pp. 91-111. The region Allan had nominal control over stretched from the Musquash Cove to Aukpaque (present-day Saint John, New Brunswick to Fredericton, New Brunswick).
[311] 14 Geo. III c. 83.
[312] 14 Geo. III c. 88.
[313] *By the King, A Proclamation,* 7 Oct. 1763.
[314] Sir Reginald Coupland, *The Quebec Act, A Study in Statesmanship* (Oxford, 1968), p. 112.

ministry. Ironically, similar charges would be levied against Congress in the early nineteenth century over its administration of the Territory of Orleans.

The Quebec Act reinstated elements of French civil law and provided that in 'all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of Canada'. Criminal proceedings, however, were to be conducted entirely under common law.[315] Like representative government, the common law was one of the pillars of Britishness, especially its guarantees of trial by jury, *habeas corpus*, and due process; any restriction to these rights were viewed as an affront to the British constitution.[316] Legal scholar Paul Halliday has noted that the Quebec Act was silent on whether or not *habeas corpus* applied in the province, a matter which was resolved in the negative by Governor Frederick Haldimand in 1778. As a result of the statute, British subjects were denied cherished political rights which formed a central part of British identity. Notably, Pierre du Calvet, one of the colony's landed elite who had emigrated while Québec was still under French rule, was arrested in Montréal in 1780 for his involvement with American Patriot-Rebels; he petitioned twice for *habeas corpus* and was twice denied by the provincial Court of King's Bench on the grounds that the writ was unavailable.[317] Although French-born, Calvet was a British subject who was being denied a common law writ by a common law court.

Québec held particular strategic and symbolic importance to American Patriot-Rebels. As the first colony to suffer a fully arbitrary government, Québec was seen as a sandbox for obnoxious imperial policies. John Hancock, for example, believed a Continental victory in Québec would be a 'most mortifying Contravention to the ministerial System of enslaving' the colonies.[318] Americans and their delegates to

[315] 14 Geo. III c. 83.
[316] Greene, 'Empire and Identity', p. 209.
[317] Paul Halliday, *Habeas Corpus: From England to Empire* (Cambridge [MA], 2010), pp. 275-76.
[318] Hancock to Richard Montgomery, 30 Nov. 1775, *LDC*, vol. 2, p. 415.

Fig. 6



William Faden, *The British Colonies in North America*, 1777, New York Public Library, New York, NY, Lawrence H. Slaughter Collection, Map Div. 97-6140 [LHS 531].

Congress believed, as they had with Ireland and Bermuda, that the British and French colonists of Québec were sympathetic to their cause and had good reason to believe so.

"Canada", as used by eighteenth-century Britons on both sides of the Atlantic, referred to Québec and should not be conflated with the present-day Dominion of Canada. Nor should eighteenth-century Québec be conflated with the modern province. In the 1770s, Québec included territory which is now Ontario and the US states of Michigan, Ohio, Indiana, and Illinois in addition to the modern province (SEE FIG. 6). Furthermore, "Canadian" was used only to refer to the Francophone community. It was only in the 1790s – through the influence of Prince Edward, Duke of Kent during his residency in Lower Canada – that "Canadian" came to popularly refer to both the British and French populations.[319] For the sake of clarity and to prevent conflation with

[319] On Prince Edward popularising the inclusive definition of "Canadian", see Nathan Tidridge, *Prince Edward, Duke of Kent: Father of the Canadian Crown* (Toronto, 2013), pp. 90-91.

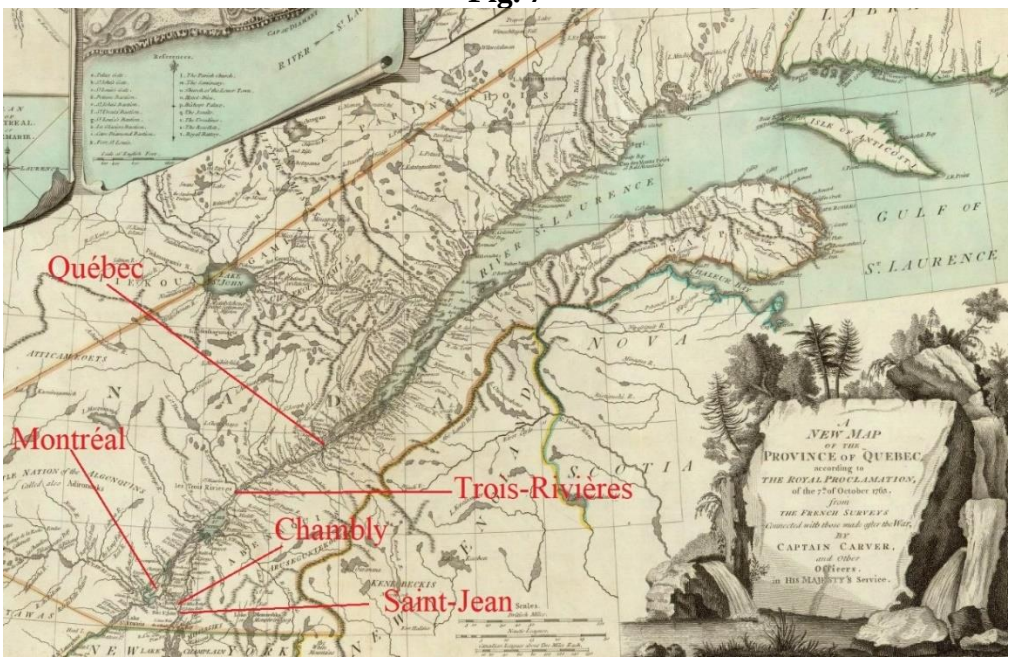
the Dominion of Canada, I use the terms *Québécois*, *Canadien*, and *habitant* when referring to French-speakers.

The failure of Congress and Continental forces to create a viable government in occupied Québec led to the ultimate loss of the province in the spring of 1776. Congress had not anticipated that the *Canadiens* would refuse to establish a provincial congress. When Continental forces invaded, Congress was still no more than an intercolonial summit not the directing power of anything yet claiming to have full sovereignty. The delegates did not consider themselves at that time to have the power to unilaterally dictate the terms of government for a province. The lack of a competent government made Congress's claims of brotherly liberation fall flat. Most scholarship on the Continental invasion and occupation have been strictly military histories.[320] Mark Anderson's 2013 monograph, one of the more recently published on this episode of the War, views the Continental defeat in Québec as sharing the same roots of later US wars of liberation, especially Iraq and Afghanistan.[321] Even narratives for which Québec is peripheral, view it in military terms. Richard Beeman, for example, contends that American interest in Québec was grounded predominantly in the 'common fear that British control of Canada would constitute a grave military threat to America's northern border'.[322] Very little attention has been paid to domestic concerns and the attempt and failure to create a civil government.

Sympathy with Americans

[320] Justin Harvey Smith, *Our Struggle for the Fourteenth Colony: Canada and the American Revolution*, vols. 1-2, (New York, 1907); Harrison Bird, *Attack on Quebec: The American Invasion of Canada, 1775* (Oxford, 1968); George Stanley, *Canada Invaded, 1775-1776* (Toronto, 1973); Robert Hatch, *Thrust for Canada: The American Attempt on Quebec in 1775-1776* (Boston, 1979).
[321] Mark Anderson, *The Battle for the Fourteenth Colony: America's War of Liberation in Canada, 1774-1776* (Hanover, 2013), pp. xi, 2.
[322] Richard Beeman, *Our Lives, Our Fortunes and Our Sacred Honor: The Forging of American Independence, 1774-1776* (New York, 2013), p. 300.

Fig. 7



Thomas Jeffreys, *New Map of the Province of Quebec*, 1776, Branner Library, Stanford University, Stanford, CA, David Rumsey Historical Map Collection, NMM 361.

British forces conquered French Canada in 1760 in the middle of the Seven Years' War. Soon after, General Sir Jeffery Amherst, the military governor, invited merchants from Massachusetts Bay and New York to move to the colony with the intention of anglicising the region and strengthening British control.[323] By 1766, there were an estimated 600 British colonists in Québec.[324] By 1774, the colony had 3,000 resident Britons and 75,000 *Canadiens*.[325] The European population of the province lived in three population centres. The largest was a 200-mile band of settlement along the St Lawrence River which included Montréal, Québec City, and Trois-Rivières (SEE FIG. 7). The second population centre was built along the Richelieu River east of Montréal and the Chaudière River south of Québec City, both tributaries of the St

[323] Gustave Lanctôt, *Canada and the American Revolution, 1774-1783*, trans. Margaret Cameron, (Toronto, 1967), p. 10.
[324] Francis Masères, *Considerations on the Expediency of Procuring an Act of Parliament for the Settlement of the Province of Quebec* (London, 1766), p. 2.
[325] Petition of His Majesty's ancient Subjects in the Province of Québec to GIII, 12 Nov. 1774, *An Account of the Proceedings of the British and other Protestant Inhabitants in the Province of Quebeck…in Order to Obtain an House of Assembly*, ed. Francis Masères, (London, 1775), p. 256.

Lawrence.[326] The third, and most sparsely populated region, was organised around the Great Lakes and the Mississippi, Wisconsin, and Wabash rivers. The majority of the British population lived in the cities of Québec and Montréal.

When civil government was finally established in 1764, General James Murray became provincial governor but the only substantial structural change in governance was the appointment of an advisory council to aid the governor. There was considerable animosity between the new British immigrants, especially among the merchant class, and the governor. Murray levied taxes by prerogative alone and was quickly charged by British residents with abuse of power and attempting to subvert their constitutional right to be taxed by consent. The merchants, like the colonists to the south, rooted their constitutional complaints on the principle that British subjects ought to possess the same rights throughout the Empire.[327] In a petition to George III, the merchant community complained that under the current system Murray had issued 'Ordinances Vexatious, Oppressive, unconstitutional, injurious to civil Liberty and the Protestant Cause' and begged the King to 'appoint a Governor over us, acquainted with other maxims of Government than Military only'. In keeping with the Proclamation and constitutional maxims, the British community begged the Crown to 'order a House of Representatives to be chosen in this as in other [of] your Majesty's Provinces'.[328]

Many of the British Americans who moved to Québec following the Seven Years' War had done so with the understanding, based on the Royal Proclamation of 1763, that there would eventually be an elected assembly in line with the long-established British colonies in America. In 1768, Francis Masères, the provincial

[326] Anderson, p. 18.
[327] David Milobar, 'The Origins of British-Quebec Merchant Ideology: New France, the British Atlantic and the Constitutional Periphery, 1720-1770', *JICH*, vol. 24, no. 3 (1996), pp. 379, 382-83.
[328] Petition of the British Merchants of Province of Québec to GIII, 10 June 1765, TNA, CO 42/2, fo. 127.

Attorney General, warned the under-Secretary of State for the Southern Department that if not for the King's promise of a representative government British colonists 'never would have set foot in this Province'.[329] The military government and lack of representation was thought to be temporary until the Quebec Act, which did not establish representative government and made no promise to do so in the future. The complaints of the resident British went unaddressed, the Quebec Act did virtually nothing to assuage their concerns; there were no indications of an end-date or markers by which the province would be guaranteed to move to a fully British representative system. Like the colonists to their south, the British in Québec expected to be treated as equal members of the Empire and entitled to the same rights as Britons at Home.

In early January 1774, prior to the arrival of the news that Parliament had passed a Quebec Act, 148 men in Montréal petitioned the King requesting an elected Assembly in keeping with the Proclamation of 1763.[330] Notably, the petition was signed by a number of future prominent Patriot-Rebel collaborators and British Loyalists. The Catholics of Québec sent a petition to St James's Palace around the same time. While they expressed their 'happiness of living under the wise regulations of the *British* Empire' they, like their British counterparts in Montréal, begged His Majesty to 'grant us, in common with your other subjects, the rights and privileges of citizens of *England*'.[331]

The text of the Quebec Act arrived in the province in September 1774 and was quickly published in the colony's sole newspaper.[332] The *Canadien* landed elite

[329] Francis Masères to Richard Sutton, 14 Aug. 1768, *The Maseres Letters, 1766-1768*, ed. W. Stewart Wallace, (Toronto, 1919), p. 113.
[330] Montréal Petition to GIII, 10. Jan. 1774, *An Account of the Proceedings of the British and other Protestant Inhabitants in the Province of Quebeck…in Order to Obtain an House of Assembly*, ed. Francis Masères, (London, 1775), pp. 16-24.
[331] Petition of the Roman Catholic Inhabitants of the Province of Québec to GIII, [c. Dec. 1773], ibid., p. 123.
[332] Supplement to *Quebec Gazette*, 8 Sept. 1774.

welcomed the legislation for restoring their privileges as semi-feudal landlords and for maintaining the status of the Catholic Church. In Montréal, the urban elite staged an ostentatious ball at Château Ramezay in celebration of their restored rights.[333] Québec's *seigneurs* wielded less power than their counterparts in pre-Revolutionary France, but nonetheless regained the ability to exact rent and tax from their tenants as well as the authority to demand the *corvée* (unpaid labour).[334] The *habitants*, unsurprisingly, loathed the return of feudal dues.[335] Hilda Neatby has emphasised that the rising *Canadien* mercantile elite deeply resented the claims by the *seigneurs* that they could speak for all *Québécois*, especially given that the merchants were 'on the whole probably wealthier and better-educated'. The Quebec Act helped align the *Canadien* merchants with 'the liberal and democratic ideas of the English groups', both believing an elected assembly would provide 'better protection for their rights than the existing Council'.[336]

Residents, predominantly from the British mercantile class, in both Montréal and Québec took to 'the Anarchical method of calling Town meetings' in response to the statute and soon after both cities had established committees of correspondence.[337] Rural *habitants* addressed the Montréal committee declaring their disdain for the provisions of the Quebec Act which 're-establishes the ancient laws of this country, the

[333] Roland Viau, 'Careful Coexistence: The Canadians and the British in Montreal Prior to 1800' in *Montreal: The History of a North American City*, vol. 1, ed. Dany Fougères and Roderick MacLeod, (Montréal, 2018), p. 219.
[334] Richard Harris, *The Seigneurial System in Early Canada: A Geographical Study* (Montréal, 1984), pp. xviii, xx, 5, 69. A similar system was in use in New York, a legacy of Dutch rule, but was less widespread, see Sung Bok Kim, *Landlord and Tenant in Colonial New York: Manorial Society, 1664-1775* (Chapel Hill, 1978).
[335] Stanley, *Canada Invaded*, p. 19; Everest, p. 27.
[336] Hilda Neatby, 'Pierre Guy: A Montreal Merchant of the Eighteenth Century', *Eighteenth-Century Studies*, vol. 5, no. 2 (1971), pp. 235-36.
[337] Donald Creighton, *The Empire of the St Lawrence* (Toronto, 1956), p. 47; Stanley, *Canada Invaded*, p. 19; 24 Sept. 1775, Thomas Ainslie, 'Journal of the Most Remarkable Occurrences in the Province of Quebec from the Appearance of the Rebels in September 1775 until their Retreat on the sixth of May 1776', Bodl., University of Oxford, MS Can. r. 2, unpaginated (quotation).

bad effects of which we too severely felt during the *French* Government'.[338] By November, representatives from Québec and Montréal drafted a petition to the Throne expressing their 'unutterable grief' that the Quebec Act deprived them of the full 'protection of the English Laws, so universally admired for their wisdom and lenity, and which we have ever held in the highest veneration'. They further declared that the introduction of civil law and the denial of an elected assembly was 'disgraceful to us as *Britons*'.[339] For nearly a decade, the *Canadien* and British colonists of Québec had resisted and protested encroachments on their constitutional rights and taken localised, extra-governmental action. In doing so, the province came to be seen as a potential ally to the American Patriot-Whigs.

Québec's response to the other Coercive Acts reinforced the southern perception of it as a sympathetic colony. After the closure of Boston harbour, letters of support and supplies poured into Massachusetts Bay from Québec. 'Out of humanity, and in compassion to the Poor of your place, who must be sufferers in Consequence of the present unhappy discord between the British Parliament and the Colonies', the people of Québec City donated a shipment of wheat to the Town of Boston.[340] Several months later, the British inhabitants of Montréal assured Bostonians that they 'sincerely sympathize with you in your Oppression' and donated £100 4/- sterling to alleviate 'the distressed situation of their Countrymen generously struggling in the Cause of American liberty'.[341] In response to these gifts, the Boston Committee of Donations urged their compatriots to the north to join their sister colonies in Congress.[342] The gifts

[338] 'Instructions to the English Gentlemen of the Committee at Montreal', *Boston Evening-Post*, 21 Nov. 1774.
[339] Petition of the Inhabitants of the Province of Québec to GIII, 12 Nov. 1774, *An Account of the Proceedings* (London, 1775), p. 240.
[340] Jonas Clarke Minot to Arnold Welles, 6 Sept. 1774, MHS, BCD Letterbooks, MS N-2038, vol. 2, fo. 29.
[341] James Price and Alexander Hay to BCD, 9 Feb. 1775, MHS, BCD Letterbooks, MS N-2038, vol. 2, fo. 99.
[342] BCD to Minot, 10 Oct. 1774, MHS, BCD Letterbooks, MS N-2038, vol. 1, fo. 29.

and letters of support created a sense of unified opposition to the ministry and Parliament while remaining loyal to the Crown, Constitution, and Mother Country.

The First Address

It is in this context of seeming support from British Quebeckers and to a lesser extent *Canadiens* that the delegates in Congress drafted their first address to Québec in October 1774. Americans had good reason to believe that the colonists of Québec would be supportive of the cause of Congress. The address was drafted in committee by Thomas Cushing of Massachusetts Bay, John Dickinson of Pennsylvania, and Richard Henry Lee of Virginia; Dickinson, however, is largely credited with writing the text.[343]

Congress made no serious effort to engage with Catholic Ireland but went to great lengths to appeal to the Catholic *Québécois* – the very people who benefited the most from many of the provisions in the Quebec Act. The first address to the province was tailored to the *Québécois* and translated into French; the support of the British colonists was taken for granted. The delegates hoped to draw Québec into the intercolonial summit in Philadelphia and increase the gravity of their voice. The *Canadiens* were outside the strongly Protestant conception of Britishness which was invoked in the appeals to other parts of the British Empire. The delegates nonetheless addressed the *Québécois* as their 'Friends and fellow-subjects' but much of the letter sought to inform the *Canadiens* of their rights as subjects of George III and constituent members of the British Empire.[344]

Because the *Québécois* had been 'educated under another form of government' which was being partially restored by the Quebec Act, the delegates used the address

[343] Anderson, p. 14.
[344] *JCC*, vol. 1, p. 111.

to explain ‘the inestimable advantages of a free English constitution of government’ which they feared a corrupt ministry had kept them ignorant of. Because the Quebec Act reinstated French civil law for non-criminal cases, the delegates emphasised the benefits of common law. They argued that trial by jury, a mechanism unique to English common law, ensured ‘that neither life, liberty nor property, can be taken from the possessor’ expect by a fair and public trial. *Stare decisis*, another defining feature of common law, acted as a safeguard to prevent cruel magistrates from issuing harsh, retaliatory judgements on individuals because of the inflexibility it would create in future cases by establishing precedent. While also expounding on the importance of the freedom of the press, the address asserted that the ‘grand right’ of the British constitution was ‘that of the people having a share in their own government by their representatives chosen by themselves’. Representative government ensured that taxation was levied only by free consent and thus served as ‘a bulwark surrounding and defending their property’.[345]

After thus educating the *Canadiens*, the delegates assured them that Congress had ‘no other objects than the perfect security of the natural and civil rights of all the constituent members…and the preservation of a happy and lasting connection with Great-Britain’.[346] Their hope was for political reform to restore and protect ‘the violated rights of the whole empire’; they wished to strengthen the bonds of the British Empire not break them.[347]

After 1770, all material in the *Quebec Gazette*, the colony’s only newspaper, had to be approved by the provincial government, preventing divisive material from

[345] Ibid., pp. 106-07.
[346] Ibid., p. 113.
[347] Ibid., pp. 89-90.

being easily disseminated.[348] John Brown, who was tasked as Congress's emissary to distribute the address, reported that an application had been made to Governor Guy Carleton 'for printing the Address from the Continental Congress, and a refusal obtained'. Although the address could not be printed in the *Gazette*, it was published in the papers of other colonies which were readily available in Montréal and Québec. Copies printed in Philadelphia were given to Thomas Walker and François Cazeau to distribute among their neighbours. While Brown found the *habitants* 'to have no disposition unfriendly towards the Colonies' he found they were also non-committal, preferring 'to stand neuter'.[349]

The Limitations of Britishness

American fears surrounding the Quebec Act as a tool for political slavery were not as far-fetched as they appear on the surface. Within British culture, Roman Catholicism was seen as a political ideology not just a religious one. Religious and political suspicion of Catholicism was prevalent in part because of its association with the arbitrary rule of King James II as contrasted with the political reforms of the Glorious Revolution and the reign of King William III and Queen Mary II. Linda Colley has argued that it was Protestantism more than anything which created a sense of unifying British national identity; for much of the eighteenth century, Catholics were seen as 'potential traitors' and 'un-British'.[350] Likewise, Brendan McConville has argued that for Britons throughout the Empire, 'loyalty to the king' was equated with 'loyalty to Protestantism and reformation'. Anti-Catholicism was prevalent in much of

[348] Anderson, p. 29; Minot to David Jeffries, 11 Feb. 1775, MHS, BCD Letterbooks, MS N-2038, vol. 2, ff. 85-86.
[349] John Brown to BCC, 29 Mar. 1775, *AmArchs*, 4th ser., vol. 2, pp. 243-44.
[350] Colley, pp. 18-19.

British America as a result, and it was commonplace in Britain and America to publicly burn effigies of the pope on Guy Fawkes Night.[351]

When American colonists accused Parliament and successive ministries of imposing 'slavery' upon them in the mid- to late-eighteenth century, they were referring not to chattel slavery but to the 'slavishness' of Catholicism and the loss of cherished freedoms to arbitrary governance. When the colonists of Virginia celebrated the repeal of the Stamp Act in 1766, for example, they invoked the Glorious Revolution as the triumph over political Catholicism and toasted the 'glorious and immortal memory of King William; who saved us from Popery, slavery, wooden shoes, and arbitrary government'.[352] Protestantism, not just Anglicanism, was seen as inextricably intertwined with the British constitution.

Anti-Catholicism reached a new high in British America during the Seven Years' War which was popularly seen as an anti-papal crusade.[353] Britons traditionally characterised the French as their antithesis; they were Catholic, poor, corrupt, and subject to the abuses of an arbitrary government and an absolute monarchy.[354] Historian David Milobar has noted that during the Seven Years' War 'British subjects throughout the empire celebrated the victory at Quebec as much for what it symbolized as for its strategic value. Protestant subjects saw the fall of Quebec as the triumph of Protestantism and the British constitution over Catholicism and absolutism'.[355] Religious sermons commemorating the siege of Québec interpreted the acquisition of Canada as a Protestant victory. In 1759, Reverend Andrew Eliot of New North Church

[351] Colin Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80: A Political and Social Study* (Manchester, 1993), pp. 92-93; Frank Cogliano, *No King, No Popery: Anti-Catholicism in Revolutionary New England* (Westport, 1995), pp. 23-35; McConville, pp. 55-63, 209 (quotation).
[352] *Virginia Gazette*, (Purdie & Dixon), 13 June 1766.
[353] Cogliano, *Anti-Catholicism*, p. 15.
[354] Colley, pp. 35-36.
[355] Milobar, p. 365.

in Boston preached that 'by means of the conquest we have made' the *Canadiens* 'may come to an acquaintance with the sacred scriptures, may be recover'd from popish superstition and error, and may have all spiritual and eternal blessings'. Reverend Nathaniel Appleton of First Parish Church, Cambridge was more forceful and equated the British conquest to 'Victory over *the Beast*', 'Papal Tyranny', and the 'Church of *Rome*; which we Protestants maintain to be [the] *Antichrist*'.[356] Unsurprisingly, religious tensions emerged in Québec soon after British rule began. In 1766, after only a week in the colony, the provincial Attorney General complained to the Earl of Shelburne that 'the English here say with great plausibility of reason that their own Religion seems to be barely tolerated or even connived at, while the popish Religion seems to be established & favoured by the Government'.[357]

The Quebec Act further disrupted the notion of the British Empire as united by a common commitment to the Protestant faith and a common form of government. The Act declared the absolute 'free Exercise of the Religion of the Church of Rome' within the colony and restored the Catholic clergy's 'accustomed Dues and Rights' including the ability to collect tithes. The office of the Catholic Bishop of Québec was left untouched. Most damning was the provincial exemption from the Test Acts which allowed Catholics to hold government office.[358] These provisions were seen as dangerous affronts to Protestantism, Britishness, and the British constitution.[359] The retention of Catholicism and the ability of the Pope to appoint Church officials was not unprecedented in British imperial policy, however. After the cession of Minorca in

[356] Andrew Eliot, *A Sermon Preached October 25th 1759, Being a Day of Public Thanksgiving* (Boston, 1759), p. 42; Nathaniel Appleton, *A Sermon Preached October 9 Being a Public Day of Thanksgiving Occasioned by the Surrender of Montreal* (Boston, 1760), pp. 8, 25.
[357] Masères to Shelburne, 30 Sept. 1766, quoted in Peter Doll, *Revolution, Religion, and National Identity: Imperial Anglicanism in British North America, 1745-1795* (Madison [NJ], 2000), p. 125.
[358] 14 Geo. III c. 83.
[359] Cogliano, *Anti-Catholicism*, pp. 47-49.

1713, the British government continued to allow the Pope to appoint a vicar apostolic with full powers of episcopal consecration for the island.[360] Québec was of course much closer and in the context of a decade of disputes with Westminster, the Catholic concessions granted there were deemed much more concerning. But, nowhere in the British Empire were Catholics permitted to take part in government apart from Québec.

Opposition MPs had railed against the Quebec Act arguing that the retention of French civil law, the denial of representative government, trial by jury, and the right to *habeas corpus* was a repudiation of the British constitution and the structures on which liberty could be established.[361] The Earl of Effingham wrote to an associate in Dublin that to 'allow Papists that free exercise of their Religion in Canada, we were obliged by Treaty…But, to make theirs the Established & Governing Church in any Part of the British Empire, while Protestantism is only Tolerated I cou'd not but think a wrong measure especially as there is I believe no Country on the Earth, where Liberty is asserted, & flourishing, while that is the sole establish'd Religion'.[362] Notably, following a series of violent anti-Catholic riots in London, Edinburgh, Glasgow, Birmingham, and Bath from 1779-1780, the Duke of Richmond claimed in the House of Lords that the 'Quebec Act was the real source of discontents', having 'established the Popish religion in Canada, by sending a Popish bishop there' and allowing 'every part of the exercises of that most dangerous and intolerant religion'.[363]

Like some in Britain, British Americans interpreted the Quebec Act in terms of the British constitution and English tradition, and saw the political compromises made to ease the integration of French Canada into the British Empire as part of the perceived

[360] Gould, *Persistence of Empire*, p. 21.
[361] Coupland, pp. 97-99.
[362] Thomas Howard, 3rd Earl of Effingham to J. Sheil, [1774], Sheffield City Archives, Sheffield, UK, WWM/R1/1595.
[363] Haydon, pp. 215-17; *Parliamentary History of England*, vol. 21, (London, 1814), p. 677 (quotation).

trend in ministerial corruption. At the same time Congress sent its address to the *Québécois,* it sent an address to the people of Britain complaining bitterly about the Quebec Act and the threats it posed to British America and the wider Empire. The delegates asserted that since the premiership of the Earl of Bute – a man they accused of being 'unfriendly to the protestant cause, and inimical to liberty' – there had existed 'a plan for enslaving your fellow subjects in America'.[364]

Like the opposition MPs, the address contended that the Quebec Act established 'an arbitrary government' and deprived British subjects of the important structure which safeguarded political rights such as trial by jury and 'the habeas corpus Act, that great bulwark and palladium of English liberty'. Echoing Lord Effingham and foreshadowing the Duke of Richmond, Congress declared on behalf of the American colonists 'astonishment, that a British Parliament should ever consent to establish' within the British Empire 'a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world'. In a move that would later come to haunt them, the delegates stated their fear that under the influence of devious ministers the *Canadiens* would become 'fit instruments in the hands of power, to reduce the ancient free Protestant Colonies to the same state of slavery with themselves'.[365]

Congress attempted to calm *Canadien* anxieties about British American anti-Catholicism by invoking the Cantons of Switzerland in its first address to Québec, but this was wholly undermined by open prejudice.[366] Congress and Americans often invoked the political and religious dangers of Catholicism. In their 1774 petition to the

[364] *JCC*, vol. 1, pp. 83-4 (quotation). For Bute's place in the ministerial conspiracy, see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge [MA], 1967), pp. 144-48; John Brewer, 'The Misfortunes of Lord Bute: A Case-Study in Eighteenth-Century Political Argument and Public Opinion', *Historical Journal*, vol. 16, no. 1 (1973), pp. 3-43.
[365] *JCC*, vol. 1, p. 88.
[366] Ibid., p. 112.

Throne, the delegates urged the King to renounce his perfidious ministers in keeping with the House of Hanover's accession to the throne 'to rescue and secure a pious and gallant nation from the popery and despotism of a superstitious and inexorable tyrant'.[367] In March 1775, disgruntled New Yorkers hoisted a British blue ensign on the city's Liberty Pole inscribed with the words 'GEORGE III. REX AND THE LIBERTIES OF AMERICA. NO POPERY' on one side and the phrase 'THE UNION OF THE COLONIES AND THE MEASURES OF THE CONGRESS' on the other.[368] The use of anti-Catholic political rhetoric undermined American attempts to make common cause with Québec. An editorial in the *Quebec Gazette* written by *Le Canadien Patriote* urged the *Québécois* to be wary of the American Patriot-Whigs. Citing the address to the people of Great Britain, the *Patriote* warned his countrymen to «craindre pour notre Religion».[369] A published letter from Montréal similarly reported that the address to Great Britain led many *Canadiens* to condemn 'the perfidious, double faced Congress'.[370]

Many Americans continued to adhere to staunch anti-Catholicism even after the fallout in Québec. Notably, Samuel Adams delivered an address in Congress in August 1776 on the occasion of the formal signing of the Declaration of Independence which was heavily imbued with political Protestant ideology. Adams accused the British of daring 'to establish Popery Triumphant in our Land'. 'Our Fore-Fathers threw off the Yoke of Popery in Religion', and by declaring independence from Britain, the delegates had the 'honor of levelling the popery of Politicks'. While Britain had failed in its mission as the great protector of Protestantism, Adams proclaimed that the independence of the United States would bring 'the reign of political Protestantism'

[367] Ibid., p. 118.
[368] *New-York Journal*, 9 Mar. 1775.
[369] *Quebec Gazette*, 27 July 1775: 'fear for our religion'.
[370] 'Extract of a Letter from Canada, 24 Mar. 1775', *New-York Gazette*, 10 Apr. 1775.

and the world would 'behold an Empire arising, founded on Justice and the voluntary Consent of the People'.[371]

INVASION AND OCCUPATION

The second Continental Congress took seat on 10 May 1775 in the Pennsylvania State House again without delegates from Québec. However, on 27 May, Montréal merchant James Price stood before Congress to give the assembled delegates an account of the state of affairs in Québec and assured them that the *Canadiens* were friendly to their cause.[372] Based on Price's report, and likely with him providing additional input, the delegates composed a second address to the province in which they again invited Québec to 'join with us in resolving to be free' and resist 'the designs of an arbitrary Ministry, to extirpate the Rights and liberties of all America'.[373] The address was written with the intention that Price would personally deliver it to his home colony.[374] On 1 June, three days after adopting the second address, Congress declared that 'no expedition or incursion ought to be undertaken or made, by any colony, or body of colonists, against or into Canada'.[375] By the end of the month, Congress reversed direction and authorised General Philip Schuyler to invade Québec, but only if it was not 'disagreeable' to the *Canadiens*.[376]

The two-pronged invasion began in early September 1775. General Schuyler, General Richard Montgomery, and their forces trekked up the Richelieu River to Montréal and General Benedict Arnold marched up the Chaudière River to take Québec City. Both campaigns found the *Canadiens* to be welcoming and seemingly well-

[371] SA, *An Oration Delivered at the State-House, in Philadelphia, to a Very Numerous Audience; on Thursday the 1st of August, 1776* (London, 1776), pp. 40, 2, 3, 33.
[372] *JCC*, vol. 2, p. 66; JA to James Warren, 7 June 1775, *Adams Papers*, PJA, vol. 3, pp. 17-18.
[373] *JCC*, vol. 2, p. 68.
[374] Ibid., p. 67.
[375] Ibid., p. 75.
[376] Ibid., p. 109.

disposed towards Congress and the invasion. A *Canadien* diarist recorded that the Continental troops succeeded in convincing the *habitants* in the Richelieu Valley that they «venoient pour nous tirer d'oppression».[377] Although Arnold's siege on the provincial capital ended in disaster, the soldiers were welcomed by the *habitants* outside the city walls. A Virginian rifleman taken prisoner by the British informed his captors that the 'Canadians received them with great Chearfulness' and were 'in general favourable to the Provincials'.[378]

When Continental forces reached Chambly, they were aided by resident merchant James Livingston who raised a force of 300 local men, a mix of *habitants* and British colonists.[379] Fort Chambly fell to Livingston and his men on 18 October; General Montgomery remarked that there was 'not above 50 of our troops' with Livingston during the battle.[380] Fort Saint-Jean soon fell and Continental forces and their local allies entered Montréal on 13 November without resistance. Prominent residents of Montréal's surrounding *faubourgs* sent an address to General Montgomery expressing their gratitude for the invasion declaring «nos chaînes sont brisées, une heureuse liberté nous rend à nous-même».[381] The *Montréalais* address embraced the language of brotherhood and fellow-subjecthood used by Congress and affectionately referred to Montgomery's invading forces as «nos frères des colonies».[382] Most importantly, the signatories freely declared their support for the Patriot-Whigs since

[377] Jean-Baptiste Badeaux, «Journal commencé aux Trois-Rivières, le 15 Mai 1775», *Invasion du Canada: Collection de Mémoires*, vol. 1, ed. Hospice-Anthelme Verreau, (Montréal, 1873), p. 166: 'had come to draw us out of oppression'.
[378] Richard Champion to Charles Watson-Wentworth, 2nd Marquess of Rockingham, 28 Dec. 1775, Sheffield Archives, WWM/R1/1647.
[379] James Livingston to Schuyler, 15 Sept. 1775, NYPL, PSP, MS Col 2701, LR, box 3, fold. 40.
[380] Montgomery to Schuyler, 20 Oct. 1775 NYPL, PSP, MS Col 2701, LR, box 3, fold. 71.
[381] Les habitants de trois faubourgs de Montréal à Montgomery, Nov. 1775, *Invasion du Canada*, vol. 1, p. 85: 'our chains are broken, a happy freedom returns us to ourselves'. The three *faubourgs* (suburbs) of Montréal were des Récollets, Saint-Laurent, and the *faubourg* Québec which was so-named because it was on the road leading to Québec City.
[382] Ibid.: 'our colonial brethren'.

«l'adresse du 26e Octobre 1774 nous est parvenue» and begged Montgomery to inform Congress of their disposition.[383]

In November, the President of Congress thanked the leaders of the invasion for 'spreading the Banners of Freedom over the greatest Part of Canada'.[384] The news of early Continental victories and the seeming support of the population greatly inflated Congress's expectations of success. Richard Henry Lee remarked that 'the far greater part of the Canadians are surely on our side'; Thomas Jefferson believed by the end of the month that it would be only 'a short time' before 'the delegates of Canada will join us' in Congress.[385]

The Occupational Regime

The Continental invasion is most often viewed only in its military and strategic terms, and rarely for its political objectives. Nor has significant attention been paid to the administration of the province in the ten months in which Continental forces had partial control. Historian Justin Harvey Smith, whose 1907 two-volume set was for a long time the standard account, makes only passing references to political occupational authority, his objective being more focussed on troop movements and military strategy. Surprisingly, Allan Everest's scholarship on Moses Hazen and the Canadian regiments of the Continental Army – the most comprehensive study of Hazen to date – made no mention of Hazen's tenure as the political head of occupied Montréal. While Gustave Lanctôt and Mark Anderson pay greater attention to the political administration of the occupation, it remained peripheral for both of them.[386]

---

[383] Ibid.: 'the address of 26 October 1774 reached us'.
[384] Hancock to Wooster, 30 Nov. 1775, *LDC*, vol. 2, p. 416.
[385] RHL to GW, 26 Nov. 1775, *LDC*, vol. 2, p. 396; TJ to John Randolph, 29 Nov. 1775, *TJ Papers*, vol. 1, pp. 268-70.
[386] Smith, *Fourteenth Colony*, vol. 2, pp. 227, 229, 232-33, 365; Everest, *Moses Hazen and the Canadian Refugees in the American Revolution* (Syracuse, 1976); Lanctôt, pp. 94-95, 110-14; Anderson, pp. 202-09, 220-21, 245-58.

In its instructions to General Schuyler, Congress stated that the primary objective of the invasion was to induce the *Canadiens* and resident Britons 'to accede to an Union with these Colonies'. The colonists were to 'form from their several Parishes a Provincial Convention and send Delegates to this Congress'. Knowing that taking complete control of the province would take time and was likely to be difficult, Congress advocated a piecemeal approach as it had done earlier with Georgia: 'in the present unsettled State of that Country, a regular Election can hardly be expected, we must acquiesce in the Choice of such Parishes and Districts as are disposed to join us'. The Army was merely intended to make it possible for Québec's colonists to elect delegates to Congress, it was not meant to run the province. Schuyler was further instructed to assure the colonists that if they acceded to join Congress, the United Colonies would exert its utmost 'to obtain for them and their Posterity the Blessings of a free Government' and all securities 'derived from the British Constitution'.[387] Schuyler was soon incapacitated by illness and oversight of the invasion was given to Richard Montgomery. Congress's instructions to Montgomery were verbatim to what it had earlier issued to Schuyler.[388] Although his role in the invasion was brief, when Schuyler entered the province, he issued a proclamation promising the inhabitants that the invasion was ordered only to secure 'you those rights which every subject of the British Empire from the highest to the very lowest order…is Intitled to'.[389] Even while invading, Americans professed themselves loyal subjects of the British Empire.

Congress wanted 'the people of Canada' to 'set up such a form of government, as will be most likely, in their judgment, to produce their happiness'.[390] Although

[387] Hancock to Schuyler, 11 Oct. 1775, *LDC*, vol. 2, p. 162.
[388] RRL, RTP, John Langdon to Montgomery, 30 Nov. 1775, *LDC*, vol. 2, p. 413.
[389] Schuyler, Address to the Inhabitants of Canada, 5 Sept. 1775, LoC, WP, MS 44693, ser. 4, reel 33, 2093.
[390] *JCC*, vol. 4, p. 216.

vague, this is the same advice Congress had given to member-provinces which asked for input on creating shadow governments. For example, in October 1775, New Hampshire requested 'the advice and direction of the Congress, with respect to a method for our administring [*sic*] Justice, and regulating our civil police'.[391] In response, Congress recommended that New Hampshire 'call a full and free representation of the people, and that the representatives, if they think it necessary, establish such a form of government, as, in their judgment, will best produce the happiness of the people, and most effectually secure good peace and good order in the province, during the continuance of the present dispute between G[reat] Britain and the colonies'.[392] The delegates did not want to dictate the precise terms of government for its member colonies. John Adams grew concerned about what form the occupation of Québec would take. It would be perfidious, he argued, 'to govern them by Martial Law, and make our General Governor' and would open Americans to charges of hypocrisy. Equally, he was worried by the fact that the *Canadiens* had no experience with elective government.[393] Importantly, Congress was still at this point an interprovincial summit, albeit one now managing a war, but was not yet claiming sovereignty. It had no authority to create new provincial governments. Even the provincial congresses were considered as temporary measures until proper imperial government was restored.

Montréal

Montréal became the base of the occupation. While not the provincial capital, Montréal held a domineering position on the St Lawrence River and was substantially wealthier than Québec City in part because of its merchant community and its importance in the fur trade. Many of the *Canadien* noblesse preferred to maintain

[391] Ibid., vol. 3, p. 298.
[392] Ibid., p. 319.
[393] JA to James Warren, 8 Oct. 1775, *Adams Papers*, PJA, vol. 3, pp. 191-93.

residences in Montréal than the capital.[394] General Montgomery and a council of the principal citizens of Montréal agreed to terms of surrender on 12 November 1775 and the following day Continental troops entered the city gates triumphant. Under the terms of surrender, Montgomery promised that the citizenry 'whether English, French, or others, shall be maintained in the free exercise of their religion' and that the Army would 'not compel the inhabitants of the town to take up arms against the Mother Country'. In terms of governance, Montgomery promised '[s]peedy measures shall be taken for the establishing courts of justice, upon the most liberal plan, conformable to the British constitution' and expressed his 'hopes to see a provincial virtuous Convention assembled as will enter with Zeal into every measure that can contribute to set the Civil and Religious Rights of this and her Sister Colonies on a permanent foundation'.[395] The occupation was intended to restore the rights of free-Britons to the province in law and enable them to assert their right to create a representative government, and, of course, to send provincial delegates to Congress. Upon taking the city, Continental forces commandeered Château Ramezay, the Montréal residence of the Crown governor and made it the headquarters of the occupation, symbolising that the Army had taken political control.

Montgomery's stay in Montréal was relatively short, lasting from 13 to 27 November when he left to join Arnold in the Siege of Québec City in which he would lose his life. Although short, or perhaps because it was short, historian George Stanley remarked that Montgomery 'had made a favourable impression' on Montréal.[396] General David Wooster was in command of the city and environs from 28 November 1775 to 27 March 1776 and was in effect the military governor of the region.

---

[394] Viau, p. 232.
[395] Terms of Surrender of Montréal, 12 Nov. 1775, LoC, WP, MS 44693, ser. 4, reel 34, 2431.
[396] Stanley, *Canada Invaded,* p. 110.

One of Wooster's first orders of business as political head of the occupation in the Montréal District was to establish a Committee of Safety to settle 'trifling Disputes' and relieve Wooster of matters he would otherwise have to oversee. It was hoped that by creating such a political body in Montréal, the other towns under the occupation would 'be inclined to follow the Example' and that these bodies could 'be led to chuse a provincial Congress and of course Delegates for the Continental Congress'.[397] However, no records exist which attest to this committee having ever actually met. As mentioned above, a number of the leading British citizens of Montréal had run a committee of correspondence, but this body had disbanded before Montgomery's possession of the city and was never revived.

A number of locals were employed by the occupational regime. Soon after the fall of Montréal, local merchant George Measam was appointed the Deputy Postmaster General for the province by Montgomery.[398] Fur trader Levy Solomons was made Purveyor to the American Hospitals in Canada and oversaw the Montréal Hôtel-Dieu, the Hôtel-Dieu des Ursulines in Trois-Rivières, and the Hôpital-Général outside the city walls west of Québec.[399] In addition to these military-related positions, Wooster commissioned Valentin Jautard as a civil law *notaire*, a public officer and private lawyer akin to a common law solicitor, on 31 January 1776.[400] Despite this, it does not appear that Wooster or his successors in command of the Montréal District ever set up common law courts.

[397] Wooster to Schuyler, 27 Jan. 1776, NYPL, PSP, MS Col 2701, LR, box 4, fold. 52.
[398] Memorial of George Measam, 25 Aug. 1776, NARA, PCC, M247, vol. 5, roll 55, item 42, fo. 27; Memorial of George Measam, 20 May 1784, NARA, PCC, M247, vol. 6, roll 51, item 41, fo. 171.
[399] Memorial of Levy Solomons, 15 Nov. 1784, NARA, PCC, M247, roll 41, item 35, fo. 148.
[400] Commission du Général Wooster à Valentin Jautard en tant que notaire publique pour le district de Montréal, 31 Jan. 1776, BL, Haldimand Papers, Add. MS 21845, fo. 70; Donald Rowat, 'The Notarial Profession in the Province of Quebec', *Canadian Bar Review*, vol. 2, no. 6 (1924), p. 397.

In early February, Wooster succeeded in holding elections in the Montréal District to select new militia officers. The head of the Trois-Rivières District did the same on 18 February without protest or trouble, and successfully encouraged the surrounding towns and parishes to do the same.[401] This was the closest the occupation got to erecting anything with a semblance of local government.

Wooster's administration came to be plagued by a series of missteps. After learning of Montgomery's death on the battlefield, Wooster, fearing his grip was weakening, turned to more hardline policies and ordered the arrest of twelve prominent Montréal citizens suspected of opposing the occupation. This move sparked 'a strong protest from their fellow citizens'.[402] Relations between local residents and the occupation were further damaged when Wooster issued a proclamation declaring that «quetant citoyen ou habitant du Canada…qui sera trouvé à nuire» the «interets du congres» would be declared «ennemies de la Liberté» and punished accordingly including being sent out of the province.[403] In a profound recommendation to General Schuyler, Wooster stressed the great 'Importance to send Settlers into this Province'. Just as Sir Jeffery Amherst had invited British-Americans into Québec after the British conquest in 1760 in the effort to solidify Britain's hold on the colony, Wooster hoped emigrants from the United Colonies would help tip the demographic balance towards Anglophones and provide him with a more compliant and overtly favourable populace.[404]

---

[401] Lanctôt, p. 114; Anderson, pp. 219-20, 248.
[402] Stanley, *Canada Invaded*, p. 110.
[403] «Proclamation de Son Excellence le Général David Wooster écuyer Commandant en Chef de l'armée conciliare du continent en Canada», Jan. 1776, Library and Archives Canada, Ottawa, ONT, Fonds du Séminaire de Saint-Sulpice (Montréal), série II, MG17 A 7-2, vol. 25, reel C-14008, fo. 14031: 'any citizen or inhabitant of Canada...who will be found to harm'; 'interests of Congress'; 'enemies of Liberty'.
[404] Wooster to Schuyler, 27 Jan. 1776, NYPL, PSP, MS Col 2701, LR, box 4, fold. 52.

Wooster failed to make good on Montgomery's promises of representative government and failed to establish a functioning court system, instead arresting men and sending them out of the province to be charged with treason, and thereby further alienating the population. Congress's invaders had come to liberate the colony, but, as Justin Harvey Smith notes, embarrassingly came to find themselves exercising 'arbitrary power'.[405] When Moses Hazen took up residence in Château Ramezay as head of the district, a significant move given that he was a long-time resident of the colony, he was unable to undo Wooster's damage and in little over a month American forces abandoned the city.[406]

Trois-Rivières

The second centre of the Continental occupation was based at Trois-Rivières, a small palisaded city located half-way between Montréal and Québec. Trois-Rivières pre-emptively surrendered on 9 November 1775 before Continental troops had even come within sight of the settlement. After news of its surrender, General Montgomery organised the city and its environs as a separate administrative district with its own military governor. A significant portion of Trois-Rivières appears to have backed the Continental occupation. Jean-Baptiste Badeaux, a *Canadien* opponent of Congress, recorded with annoyance in April 1776 that many of his neighbours and «concitoyens» had become «rebels à notre Roy sous un faux prétexte d'oppression».[407]

Captain William Goforth of the New York Line is the only Continental administrator of Trois-Rivières who left any substantial records and only arrived in the city on 8 February 1776.[408] Goforth was much more attentive of local needs than

[405] Smith, *Fourteenth Colony*, vol. 2, p. 384.
[406] Moses Hazen to Edward Antill, 26 Mar. 1776, BL, Haldimand Papers, Add. MS 21687, fo. 254.
[407] Badeaux, pp. 176, 204 (quotation): 'fellow-citizens', 'rebels against our King under a false pretext of oppression'.
[408] Ibid., p. 183.

Wooster had been in Montréal, and in a report sent to Benjamin Franklin he emphasised the state of education. The 'Condition and Circumstances' of the people of his District were 'in General very poor' they being 'very Unlearnt'.[409] In the hope of improving their lot, Goforth suggested 'the Sending to this province forty or fifty discreet young men as Schoolmasters'.

Goforth also reported that 'establishing regular Courts of Justice is much wanted and ardently called for by many of the best people'.[410] This was a particularly important issue given the weight Congress placed on common law in its first address to the province and the pedestal on which the English legal system was placed by Britons. As Jack Greene has noted, common law was held as 'the chief guarantor of the Englishman's celebrated right to security of life, liberty, and property through such devices as trial by jury, *habeas corpus,* due process of law, and representative government'.[411] In Trois-Rivières as in Montréal, the occupation failed to deliver on those principles.

Trois-Rivières was strategically important as the region contained the Saint-Maurice ironworks, one of the only forges in British America. Lord Adam Gordon, an MP for Aberdeenshire, visited the iron forge at Trois-Rivières in the mid-1760s and was impressed by its quality, the iron being 'esteemed equal, if not superiour to any Swedish, or other European Iron, particularly on account of its toughness'.[412] Christophe Pélissier, who ran the Saint-Maurice ironworks, was a strong supporter of the occupation. He advised General Montgomery and was active in the pro-occupation

[409] William Goforth to BF, 22 Feb. 1776, *BF Papers*, vol. 22, pp. 358-61.
[410] Goforth to JJ, 8 Apr. 1776, RBML, Columbia University, Jay Papers, 01087.
[411] Greene, 'Empire and Identity', p. 209.
[412] Lord Adam Gordon, 'Journal of An Officer Who Traveled in America and the West Indies in 1764 and 1765' in Newton Mereness (ed.), *Travels in the American Colonies* (New York, 1916), pp. 435-36.

militia.[413] Under Pélissier's direction, the foundry produced shells and ammunition for the Continental Army.[414]

Collaboration

Local support for the occupation has largely been under-recognised in the historiography. The protesters and leaders of the local rebellion are portrayed as 'nomadic Americans passing through Canada'.[415] Donald Creighton, for example, dismissed sympathies among the British population because a number of them 'were natives of the Thirteen Colonies'.[416] While this is true, it ignores the fact many had firmly established themselves in Québec by 1770 and conceals *Québécois* involvement. For example, Moses Hazen, though originally from Massachusetts Bay, settled outside Montréal in the early 1760s after becoming the *seigneur* of Bleury and married a *Québécoise* named Charlotte de la Saussaye. James Livingston, a member of the influential New York Livingstons, moved from Albany to Chambly with his parents in his late-teens. Edward Antill, a native of New Jersey, was an established attorney in Québec City and had married Marie-Charlotte Riverin, the daughter of a wealthy cloth merchant, in the mid-1760s.[417] Sir Reginald Coupland also severely underestimated Francophone support, and incorrectly states that the only *Québécois* from the principal classes to support the invasion was Christophe Pélissier.[418] François Cazeau, a successful fur trader based in Montréal and Michilimackinac, gave substantial financial

[413] Christophe Pélissier to Hancock, 8 Jan. 1776, *AmArchs*, 4th ser., vol. 4, p. 601.
[414] Arnold to Wooster, 2 Jan. 1776, NYPL, PSP, MS Col 2701, LR, box 5, fold. 3; Wooster to Schuyler, 27 Jan. 1776, NYPL, PSP, MS Col 2701, LR, box 4, fold. 52; Badeaux, pp. 189, 207.
[415] Anderson, pp. 2-3 (quoted); see for example, Edward Livingston Taylor, 'Refugees to and from Canada and the Refugee Tract', *Ohio History Journal*, vol. 12, no. 3 (1903), p. 226.
[416] Creighton, p. 63.
[417] Jean-François Caron, «Jean-Joseph Riverin, marchand de Québec, 1699-1755», (Université Laval: mémoire de maîtrise, 2000), pp. 50-52, 64-69.
[418] Coupland, p. 168.

backing to Congress, giving upwards of $16,000 to support the occupation.[419] Although by no means a majority, a number of provincial elites supported the occupation.

In January 1776, Congress brought James Livingston's local band of men into the fold of the Continental Army as the 1st Canadian Regiment.[420] A second Canadian regiment was created by an act of Congress on 20 January and put under the command of Colonel Moses Hazen two days later.[421] The *Canadiens* who enlisted in these regiments came from a wide social background including mid-level provincial elites such as Father Pierre-René Floquet, the Superior of the Jesuits in Montréal who served as the chaplain to Moses Hazen's regiment;[422] Brother François-Louis de Lotbinière, a Franciscan friar in the Récollet tradition, a knight of the Order of Malta, and son of a member of the Sovereign Council of New France;[423] and Germain Dionne a prominent merchant from La Pocatière as well as *habitants* who could neither read nor write.[424] A number of enlistments also came from the British mercantile class including wealthy fur trader Edward Chinn and John Halstead who was reputed to be the 'greatest and best manufacturer of flour' in the colony.[425]

Writing in 1965, historian Gustave Lanctôt severely criticised *Canadiens* who embraced the cause of the Revolution, denouncing them as 'restless and ambitious individuals' who only 'saw in the invasion an opportunity…for profit and adventure'.[426]

---

[419] *JCC*, vol. 26, pp. 147-55.
[420] Ibid., vol. 4, p. 39.
[421] Ibid., pp. 75, 78.
[422] Hazen to Antill, 20 Apr. 1776, BL, Haldimand Papers, Add. MS 21687, fo. 262.
[423] *JCC*, vol. 5, p. 645.
[424] 'A list of the Rank of General Hazen's Regiment', [*n.d.*], NARA, War Department Collection of Revolutionary War Records, RG93, John Pierce: Letters Sent (Commissioners of Army Accounts), letterbook 1, fo. 155.
[425] Joseph Bindon, 'Deposition in Favour of Edward Chinn', 13 Apr. 1799, NARA, Records of the Treasury Department, RG217, MannColl: CanRef, fo. 67; Matthias Halstead, 'Deposition in Favour of John Halsted', 1 Apr. 1800, NARA, Records of the Treasury Department, RG217, MannColl: CanRef, fo. 103; John Halstead, 'An Account of my Losses, Services, and Sufferings as a Refugee', 24 Mar. 1800, NARA, Records of the Treasury Department, RG217, MannColl: CanRef, fo. 178; 'A list of the Rank of General Hazen's Regiment', [*n.d.*], NARA, War Department Collection of Revolutionary War Records, RG93, John Pierce: Letters Sent (Commissioners of Army Accounts), letterbook 1, fo. 155.
[426] Lanctôt, p. 221.

He refused to give legitimacy to their political actions, arguing that 'the competent and well-informed element in the country, had adopted a realistic and far-sighted policy of support for the British ministry'.[427] Sympathetic elites like Pierre du Calvet, the wealthy *seigneur* of Rivière-David, were discredited as 'wily' and 'untrustworthy'.[428] Lanctôt wrote his history of the American invasion in the middle of the *Front de libération du Québec*'s bombing campaign aimed at bringing about an end to what *Felquistes* held was «colonialisme anglo-saxon» and forcing Québec's complete separation from the Dominion of Canada as an independent republic.[429] His book was originally published in French and intended for a French-Canadian audience.[430] Lanctôt was himself French-Canadian but had graduated from both the University of Oxford and the old Université de Paris; he had feet firmly planted in both cultural traditions. He was a Canadian confederalist and his harsh criticism of Catholic *habitant* support for the American Patriot-Rebels was likely an attempt to show historic *Québécois* loyalty to the Crown and the British Empire in the face of the growing separatism of his day.

Congressional Delegations

In January 1776, Congress sent its third address to its 'Friends and Countrymen' in Québec – the first since the occupation began. The delegates congratulated the people of the province for the 'services you have already rendered the common cause' by joining the military struggle, but, frustrated by the lack of progress, again encouraged the *Québécois* to 'establish associations in your different parishes of the same nature with those, which have proved so salutary to the United Colonies; to elect deputies to

[427] Ibid., p. 49.
[428] Ibid., p. 92.
[429] «Manifeste du FLQ à la Nation», 16 Apr. 1963: 'Anglo-Saxon imperialism'. These campaigns culminated in the 1970 October Crisis in which *FLQ* members kidnapped British diplomat James Cross and murdered Pierre Laporte, the Deputy Premier of Québec. There is no relation between Gustave Lanctôt and Jacques Lanctôt, an *FLQ* member responsible for kidnapping Cross.
[430] An English translation was not published until 1967.

form a provincial Assembly, and that said assembly be instructed to appoint delegates to represent them in this Congress'.[431]

Québec sent at least two unofficial delegations to Congress after the start of the occupation, though neither were in response to the third address. In early February, Preudhome la Jeunesse of Longueuil – a village on the opposite banks of the St Lawrence from Montréal – arrived in Philadelphia on the orders of General Wooster to inform the delegates of the state of the occupation. La Jeunesse left Montréal before the delegates had begun drafting their final address to Québec.[432] While the *habitants* were initially 'on the American side', he reported that the generality of the people were now in 'a State of Suspence or Uncertainty which Side to follow'. A number of the *Québécois* believed, according to la Jeunesse, that the true purpose of the occupation was 'to deprive them of their Religion as well as their Possessions'. The acerbic anti-Catholicism of the 1774 address to Britain in addition to other instances of chauvinistic Protestantism sullied *Canadien* trust in Congress and British Americans more generally.

La Jeunesse also informed the delegates that their written letters and appeals 'have made little Impression, the common People being generally unable to read'. This in particular shows how little British Americans really knew about Québec and the *Canadiens*; they assumed they would have comparable education and literacy rates to themselves. Congress's 1774 address was filled with references to Montesquieu and Italian philosopher Cesare Beccaria, both of whom only the most educated in Québec would have recognised and appreciated. Because of the poor literacy rate, la Jeunesse

[431] *JCC*, vol. 4, pp. 85-6.
[432] Passport issued for Prudent la Jeunesse, 20 Jan. 1776, NARA, PCC, M247, roll 30, item 22, fo. 213. Prudent appears to be the Anglicisation of his name, he signed his name in later petitions as Preudhome; see, Memorial of Preudhome la Jeunesse, 21 Aug. 1776, NARA, PCC, M247, roll 50, item 41, vol. 4, fo. 376.

urged Congress to send an official civil delegation 'to Canada to explain *viva voce*' the nature of the dispute with the Mother Country and to assure the people that the United Colonies intend only to 'put Canada in full Possession of Liberty'.[433]

The delegates heeded his advice and selected a committee of envoys to go to Québec to persuade the colonists there that Congress wished only to frustrate 'the designs of the British court against our common liberties' and 'to adopt them into our union, as a sister colony'.[434] The commission's membership was based partly on optics and the importance of sending the right message to the unpersuaded and wary *Québécois* and included Benjamin Franklin, Charles Carroll of Carrollton, and Carroll's cousin John. Franklin was an imperial celebrity and was unquestionably the most well-known of the delegates in Congress since returning to British America in May 1775 after a decade in London. Charles Carroll, educated in Paris at the Collège de Louis le Grand (the same school which trained Voltaire), was a Roman Catholic planter from Maryland with one of the largest fortunes in continental British America.[435] His membership could prove to the *seigneurs* that one could follow Catholic theology and maintain wealth and status so long as one adhered to Protestant politics. Father John Carroll, a Jesuit priest educated at the Collège de Saint-Omer in Artois, could put the *Canadien* clergy at ease over their fears of religious persecution. Unfortunately, the commissioners did not arrive in the province until 23 April 1776, by which time Congress's sway in the colony had been severely undermined and they could do little to improve the situation.[436]

---

[433] *JCC*, vol. 4, pp. 148-49.
[434] Ibid., pp. 215-16.
[435] On Charles Carroll's wealth, see JA to Abigail Adams, 18 Feb. 1776, *Adams Papers*, FC, vol. 1, pp. 348-49.
[436] William Riddell, 'Benjamin Franklin's Mission to Canada and the Causes of its Failure', *Pennsylvania Magazine of History and Biography*, vol. 48, no. 2 (1924), pp. 129-42.

The last delegation from Québec arrived in Philadelphia in March 1776, and was again the result of General Wooster.[437] In February 1776, Wooster called on the merchants and fur traders of Montréal to meet at the Récollets chapel in rue Notre-Dame in an attempt to coax the resident notables to select six British and six *Canadien* delegates to send to Continental Congress. Ultimately, the fur traders at the convention protested the very notion of sending delegates and the motion quickly died.[438] The imperial embargo created by the Continental Association proved to be a stumbling block holding back Québec support for Congress. In contrast to Bermuda and the Bahamas, the loss of trade from the lower colonies was not enough to coerce Québec. Québec's greatest export was fur, a trade which was exclusively orientated towards Europe.[439] As a result, fur traders were particularly apprehensive of joining Congress and the boycott. Despite this, there was a small cadre of fur traders who actively supported the United Colonies, notably Thomas Walker, Jonas Clarke Minot, Edward Chinn, Pierre Ayot, and Levy Solomons among others.[440] In April 1775, the Montréal Committee of Correspondence explained to their counterparts in Boston that while the colonists of Québec 'put as high a value on the Enjoyment of our Liberties as any of his Majesties Subjects in the other parts of his Dominions' they disapproved of 'the Mode the Congress at Philad[elphia] thought proper to pursue'.[441] Even those who were sympathetic to Congress, feared that if the British fur traders in Québec joined the boycott, the *Canadiens* 'would immediately monopolize the Indian trade' and simply

[437] *JCC*, vol. 4, p. 182.
[438] Lanctôt, p. 114; Anderson, pp. 226-27.
[439] Harold Innis, *The Fur Trade in Canada* (Toronto, 1962), pp. 176, 179; Creighton, p. 64.
[440] Joseph Bindon, Deposition in Favour of Edward Chinn, 13 Apr. 1799, NARA, Records of the Treasury Department, RG217, MannColl: CanRef, fo. 67; Pierre Ayot to Congress, 5 Aug. 1785, NARA, PCC, item 42, vol. 1, roll 53, fo. 66a; Memorial of Levy Solomons, 15 Nov. 1784, NARA, PCC, M247, roll 41, item 35, fo. 149. For Minot, see Innis, p. 208.
[441] Montréal Committee of Correspondence to BCC, 12 Apr. 1775, PRONI, Perceval-Maxwell Papers, T1023/114.

ignore the ban.[442] The Montréal Committee did, however, ask 'whether *English* Delegates would be accepted…without entering the General Association'.[443]

Congress and Wooster were unwilling to grant an exemption for Québec; the province was too large, too populous, and its opposition was based on self-interest rather than self-preservation. While the Montréal convention failed to select delegates, its attendees agreed to petition Congress and send a single envoy, Benjamin Frobisher, to represent their concerns regarding the fur trade. This was done to avoid inadvertently sending formal Québec delegates and to resolve their concerns about continuing the fur trade.[444] This move nonetheless recognised Continental authority in Québec, and – much like Bermuda – the colonists sent an individual to Philadelphia to lobby on behalf of their interests without formally joining the institution. Frustrated by his failure to secure delegates, Wooster ordered James Price and Thomas Walker to join Frobisher to inform Congress of 'the tempers and dispositions of the Canadians' and the overall situation of the province.[445]

Evacuation and Retreat

There were high expectations for the occupation from both Americans and the sympathetic colonists in Québec. General Montgomery had promised to open courts of justice which conformed to the cherished principles of the British constitution and common law and aid the establishment of representative government and the selection of provincial delegates to Continental Congress. Some of the colonists eagerly awaited these improvements but they never materialised. Americans and the Continental forces were unsuccessful in galvanising the sympathies that existed in the occupied province

[442] John Brown to BCC, 29 Mar. 1775, *AmArchs*, 4th ser., vol. 2, p. 244.
[443] Montréal Committee of Correspondence to Massachusetts Committee of Safety, 8 Apr. 1775, *AmArchs*, 4th ser., vol. 2, p. 806.
[444] Wooster to Hancock, 5 July 1776, NARA, PCC, M247, roll 71, item 58, fo. 215; Anderson, p. 228.
[445] Wooster to Roger Sherman, 11 Feb. 1776, MHS, Misc. Bd. 1776.

primarily because of their own mistakes and the inability to prove good on their promises whether that was paying the *habitants* for their services, providing law courts and representative government, or proving they had the capability of defending the province from Governor Carleton and the ministerial army. By February 1776, Continental control in the occupied part of the province was crumbling.

Just as the British soldiers in Bermuda raised tensions and abused the colonists there, the American troops stationed throughout Québec harassed and ill-treated the civilian population, especially the *Canadiens*. In her analysis of soldier diaries from the invasion and occupation, Gayle Brown found that a number spoke neutrally of Catholicism and one recorded that coming into direct contact with Catholics caused him to question his own anti-Catholic prejudices. A greater number, however, display standard British assumptions and prejudices of Catholicism as superstitious and wasteful.[446] There had been a number of incidents of outright antagonistic behaviour by Americans towards the *Canadiens*' religion. For example, in Trois-Rivières, Jean-Baptiste Badeaux recorded with disdain that «les amis de la cause commune se moquent et raillent de nos prières».[447]

Soon after taking command as military governor of Montréal, Hazen pessimistically reported that '[w]e have bro[ugh]t about ourselves by mismanagements, what Gov Carlton [*sic*] himself could never effect'. In several instances, American soldiers had abused the *Canadien* peasanty and 'dragooned' them at the 'Point of the Bayonet, to furnish wood for the Garrison at a lower Rate than the current Price'. Such instances of violence against civilians had 'caused such a Change in their Disposition that we are no more to look upon them as Friends, but on the contrary, waiting an

[446] Gayle Brown, 'The Impact of the Colonial Anti-Catholic Tradition on the Canadian Campaign, 1775-1776', *Journal of Church and State*, vol. 35, no. 3 (1993), pp. 568-71.
[447] Badeaux, p. 204: 'the friends of the common cause laugh at and mock our prayers'.

opportunity to join our Enemies'.[448] Seven days later, Hazen informed General Schuyler that the occupied part of the province had erupted into 'a Convulsive State'. Several uprisings had broken out in the parishes below Québec, which although quelled, required the imprisonment of 38 colonists and signalled a loss of American control.[449] On the same day, Goforth bleakly reported to a New York delegate that the 'minds of the Canadians' in the Trois-Rivières District were 'fretted and wavering and begin to think our handful of men not sufficient to protect them from ministerial vengeance'. If Congress and the Army failed to take the capital, Goforth predicted the *Canadiens* would 'be panick struck' and in an attempt 'to save appearances…and prevent their families from being butchered' would join Carleton's forces in driving 'us out of the Country'.[450] Pierre Ayot, a *Québécois* officer in the 2nd Canadian Regiment, reported that a number of the *Canadiens* once «croyé estre sincère au vis à vis du Congrès» were now plotting to «trahir» the cause.[451] In May, the congressional Commission sent into Canada repeated the same damning charge to the delegates in Philadelphia: 'the Violences of our Military' against 'a people, who suffered Us to enter their Country as Friends' had changed 'their good Dispositions towards Us into Enmity' and sparked 'Insurrections intended for Expelling Us'.[452] Hazen soberly evaluated the occupation in June, telling General John Sullivan that the United Colonies had 'irrecoverably lost the only chance we had, of maintaining our ground in Canada; & that by our own neglect'.[453]

Continued Interest in Québec

[448] Hazen to Schuyler, 1 Apr. 1776, NARA, PCC, M247, roll 189, item 170, vol. 1, ff. 368-371.
[449] Hazen to Schuyler, 8 Apr. 1776, NYPL, PSP, MS Col 2701, LR, box 6, fold. 36.
[450] Goforth to JJ, 8 Apr. 1776, RBML, Columbia University, Jay Papers, 01087.
[451] Pierre Ayot á [?], 16 Mar. 1776, BL, Haldimand Papers, Add. MS 21687, fo. 251: 'believed to be sincere with respect to Congress'; 'betray'.
[452] Canadian Commissioners to Hancock, 8 May 1776, *LDC*, vol. 3, p. 641.
[453] Hazen to John Sullivan, 13 June 1776, NARA, PCC, M247, roll 186, item 169, vol. 1, fo. 382.

Continental forces had begun retreating in early May 1776, and the province was decisively abandoned by July. Congress had meanwhile begun debating independence on 15 May with the final declaration made in July. By declaring Independence from Britain and the British Empire, there was no longer a need for Congress to unite with Québec in order to build a louder voice for reform, but its annexation remained a persistent topic of interest.

Among the evacuees fleeing Québec in the spring of 1776 were a number of *Canadien* men and women. These refugees were comprised of both civil and military individuals, the enlisted men and officers of the Canadian regiments of the Continental Army, their wives, children, and civilians who had acted as informants for Congress or otherwise supported the Continental occupation. Many left their home province as Continental troops retreated; others were driven out by force or threat.[454] They endured substantial losses, their property was confiscated or destroyed, and upon arriving in the United States were thrown into poverty. For example, Maurice Desdevens de Glandons of Pointe-aux-Trembles, a former provincial surveyor who had taken a commission in the occupational militia, was forced to flee with the retreat of the American army. His wife was forced «de se sauver de nuit presque nue, avec ces quatre enfans».[455] Once in the United States, his fortune did not improve and «deux de ces enfans sont mort faute de secours alimentaires» in a refugee camp.[456] His wife suffered from «la maladie Langoureuse» caused by «l'exil de sa patrie et la privation de sa religion» which he feared would «dégénêre en délire».[457]

[454] Everest, pp. 46-47.
[455] Maurice Desdevens de Glandons à Congrès, 26 Mar. 1781, NARA, PCC, item 43, roll 57, fo. 61: 'to flee at night almost naked, with their four children'.
[456] Ibid.: 'two of these children died because of a lack of food aid'.
[457] Ibid., fo. 62: 'the languorous illness' (i.e., depression); 'exile from her homeland and the deprivation of her religion'; 'degenerate into madness'.

While Glandons was able to escape with his family, Lieutenant Jean-Baptiste Morgues bemoaned in the summer of 1777 that by 'following the Fortune of America he has lost his Land and effects at home and is separated from his wife and Children perhaps for ever'.[458] André Pépin, a lieutenant in the 1st Canadian Regiment, was 'obliged to leave his native place and possessions by reasons of his zeal for the United States' with his wife and four children, one of whom was blind. In 1776, Pépin found himself 'in a Strange Country'; 'destitute of many Necessaries of Life', he was unable to provide for his family.[459] Even in 1781, Pépin complained that because he was a *Canadien* he was 'reputed a Foreigner' by his neighbours in New York despite serving in the Continental Army.[460]

Such hardships were not limited to the *Canadien* refugees. Benjamin Thompson, a merchant based in Montréal who supported the American cause early in the summer of 1775, was driven out of Québec and lost more than $8,000 worth of property.[461] Levy Solomons, a Jewish fur trader, was thrown out of his home in July 1776 by General John Burgoyne leaving 'himself, his wife and children destitute of everything except the Cloaths on their backs'. By his own account, Solomons and his family were forced to live in an abandoned 'vault' before arriving in the United States.[462] By the late 1780s, even Lieutenant Colonel Edward Antill was no longer able to financially care for all his children and sent his youngest daughter, Frances, to live with Alexander Hamilton.[463]

[458] Memorial of Jean-Baptiste Morgues, 25 Aug. 1777, NARA, PCC, item 41, vol. 6, roll 51, fo. 21.
[459] Petition of André Pépin, 9 Dec. 1776, NARA, PCC, roll 55, vol. 6, item 42, fo. 126.
[460] Memorial of André Pépin, 19 July 1781, NARA, PCC, roll 51, vol. 7, item 41, fo. 148.
[461] *JCC*, vol. 5, p. 629; Memorial of Benjamin Thompson, [c. 1798], NARA, Records of the Treasury Department, RG217, MannColl: CanRef, fo. 233.
[462] Memorial of Levy Solomons, 15 Nov. 1784, NARA, PCC, M247, roll 41, item 35, fo. 149.
[463] Angelica Church to AH, 2 Oct. 1787, *Hamilton Papers*, vol. 4, p. 279.

The Canadian Regiments remained active throughout the War and participated in major engagements like the Battle of Brandywine Creek (2nd Canadian), the Battle of Newport (1st Canadian), and the Battle of Yorktown (2nd Canadian).[464] Throughout the War, the *Canadien* and Anglo-Quebecker refugees maintained '[h]opes of returning in arms victorious of their own Country', a dream which was 'kept alive…by the Articles of Confederation, and the Proclamation sent into Canada by Count D'Estaing'.[465] Unsurprisingly, the refugees were staunch supporters of a second American invasion.

For the remainder of the War, Congress and American military leaders discussed and planned a renewed invasion and conquest of Québec. In 1777, for example, the American diplomats in Paris made clear that the 'Object of the War' was 'to obtain…for the United States the Establishment of their Independance' and the 'Conquest of Canada'.[466] While negotiating the terms of the Alliance, French diplomat Conrad Alexandre Gérard sought to discourage any conquests by the United States and made it clear that France did not support the subjugation of Québec or other provinces.[467] Despite his protestations, the final version of the Treaty of Alliance contained a clause guaranteeing that if 'the united States should think fit to attempt the Reduction of the British Power remaining in the Northern Parts of America, or the Islands of Bermudas' France would aid American forces and agreed to lay no claim to 'those Countries or Islands in case of Success'.[468]

---

[464] Everest, pp. 53-54, 94-95.
[465] Memorial on Behalf of the Canadian Refugees, 8 Apr. 1783, NARA PCC, M247, roll 54, item 42, vol. 3, fo. 253.
[466] American Commissioners to Vergennes, 18 Mar. 1777, *BF Papers*, vol. 23, pp. 502-05; See also, SA, Memorandum and Plan for Invasion of Nova Scotia, [c. 1777], NYPL, SAP, MS Col 20, box 4, fold. 10.
[467] Alstyne, *Rising Empire*, p. 56.
[468] Treaty of Alliance, 6 Feb. 1778.

The alliance with France created a swell of interest in Québec. In May 1778, the Congressional Committee for Foreign Affairs was optimistic that 'Canada will be greatly affected by the news of our alliance with its former parent state' and would spur newfound support from the *Québécois*.[469] The papers of the British governor, Fredrick Haldimand, prove Congress's augury; in a letter to the Secretary of State for the Colonies he reported that 'the alliance of the Rebels with France had produced a great alteration upon the minds of the Canadians', leading him to become greatly distrustful of his *Canadien* colonists.[470]

CONCLUSION

Americans continued to hope that all of British America would eventually be absorbed into the United States. In 1780, John Adams optimistically predicted '[t]he Revolt of all the English Colonies, after the Independence of the thirteen States, is most certain. The People will never bear their Government, if they can be admitted into the Confederation'.[471] During the 1782 peace negotiations in Paris, the American commissioners continued to push for Québec, Nova Scotia, and Bermuda to be 'declared free & Independent States, and at Liberty to join the Confederacy'.[472] In some sense the commissioners were successful with regards to Québec. Under the Treaty of Paris, Britain ceded the southern half of Québec to the US, but the British retained control of the St Lawrence. At the end of the War, the political refugees from Québec became the Republican correlate to the Loyalist exiles. The refugees continued to hope of returning to Québec 'until the late News of the Treaty of Peace' made clear that the province would remain within the British Empire. Although disheartened, the refugees

[469] Committee for Foreign Affairs to William Lee, 14 May 1778, *LDC*, vol. 9, p. 666.
[470] Gov. Frederick Haldimand to Germain, 13 Sept. 1779, BL, Haldimand Papers, Add. MS 21714, fo. 80.
[471] JA to William Lee, 6 Dec. 1780, *Adams Papers*, PJA, vol. 10, pp. 396-97.
[472] 10 Dec. 1782, ibid., JA Diary, vol. 3, pp. 94-5; BF, Sketch of Articles of Peace, Dec. 1782, *BF Papers*, vol. 38, pp. 433-35.

declared themselves fully ‘in favour of this Empire’, publicly throwing their weight behind their new country and the new empire.[473]

The Continental occupation failed for a number of reasons, but one which sped the American retreat was the failure to establish any semblance of government. At the time of the invasion, Congress did not claim any authority to govern nor to institute government. The delegates did not advise their officers on what to do if the *Québécois* did not immediately select delegates and form a provincial congress to act as a shadow government. After the US claimed not only sovereignty but imperial status, Congress came to develop government models for territorial expansion. Fittingly, the first region to have such a government was the southern portion of Québec ceded by the British in 1783.

[473] Memorial on Behalf of the Canadian Refugees, 8 Apr. 1783, NARA, PCC, M247, roll 54, item 42, vol. 3, ff. 252, 254.

CHAPTER TWO

The Imperial Republic: Republican Colonialism in the Northwest, 1784-1803

EMPIRE IN THE POST-WAR REPUBLIC

Even at the end of the Revolutionary War, Americans continued to operate within an imperial mindset. In April 1783, General Washington issued a proclamation announcing the cessation of hostilities with Great Britain in which he reflected on the '[t]oils, and dangers of effecting this glorious revolution, of rescuing Millions, from the hand of Oppression, and of laying the foundation of a great Empire' and 'erecting this Stupendious Fabrick of *Freedom* & *Empire*, on the broad basis of Independency'.[474] When Washington announced his resignation from the Army the following June, he again used the language of empire, remarking that '[i]t is only in our United Character, as an Empire, that our Independence is acknowledged, that our power can be regarded or our Credit supported among foreign Nations'.[475]

As the War was ending, a number of officers in the Continental Army contemplated a *coup d'état* and entertained making Washington a king.[476] In his address suppressing the conspiracy, Washington urged the soldiers to henceforth 'express your utmost horror & detestation of the Man who wishes, under any specious pretences, to overturn the liberties of our Country, & who wickedly attempts to open the flood Gates of Civil discord, & deluge our rising Empire in Blood'.[477] While the United States was

[474] GW, General Orders, 18 Apr. 1783, LoC, WP, MS 44693, ser. 3g, letterbook 7, fo. 128; *Freeman's Journal*, [Philadelphia], 30 Apr. 1783.
[475] *A Circular Letter, from His Excellency George Washington, Commander in Chief of the Armies of the United States of America* (Philadelphia, 1783), p. 23.
[476] Lewis Nicola to GW, 22 May 1782, LoC, WP, MS 44693, ser. 4, reel 85, 118–56.
[477] GW to Officers of Continental Army, 15 Mar. 1783, LoC, WP, MS 44693, ser. 4, reel 90, 217–93.

to be an empire, it was not to be monarchical. As historian Anthony Pagden has noted, there were several dominant, interwoven definitions of empire in the eighteenth century: empire as the perfect state – independent of foreign powers and wielding sovereignty within its own borders; empire as an expansive political system made up of multiple polities; and empire as rule by an emperor.[478] Although empire as a form of government and political organisation had, by the eighteenth century, largely come to be associated with monarchy, Americans embraced a notion of empire which was republican. It is worth noting that in a 1775 parliamentary speech, Edmund Burke remarked '[p]erhaps…I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head; whether this head be a monarch or a presiding republic'.[479] The notion that an empire of multiple polities could be republican existed within British Atlantic political culture prior to formal American independence.

The language of empire was ubiquitous in the post-war Republic. When the Society of the Cincinnati – a hereditary organisation of officers in the Continental Army and Navy – formed in 1783, its constitution proclaimed the order's dedication 'to promote and cherish, between, the respective states, that union and national honor so essentially necessary to their happiness and the future dignity of the American Empire'.[480] The Society took its name from Lucius Quintus Cincinnatus, a hero of the Roman Republic, and adopted the Latin motto *omnia reliquit servare rempublicam*: he relinquished everything to save the Republic. Although on one level it seems incongruous that a society would be named for a hero of the Roman Republic while simultaneously devoting itself to preserving the dignity of the American Empire, this

[478] Pagden, pp. 12-16.
[479] *The Speech of Edmund Burke, Esquire, On Moving his Resolutions for Conciliation with the Colonies* (New York, 1775), p. 34.
[480] *Massachusetts Spy*, [Worcester], 16 Oct. 1783; *Freeman's Journal*, [Philadelphia], 5 Nov. 1783.

juxtaposition was common in American political literature and indicative of the belief of a polity which was republican in nature and imperial in structure. There was significant public backlash surrounding the Society because of its hereditary and semi-aristocratic nature; but, despite these concerns, there was no public criticism of the society's understanding of the United States as an empire.[481]

The general public also embraced the notion of a republican empire. Almanacs in particular provide an interesting window into the public embrace of empire and are indicative of a form of empire-building from the middle strata of society. Indeed, almanacs serve as a preeminent vehicle for defining a nation. As historian John Brooke has said, almanacs were 'the constant companion of the man of affairs' giving 'a snapshot view of the public life of province and state' and providing 'the ordinary citizen with a guide to the specific officers whose performance literally mediated between state and citizen'.[482] American almanacs and calendars such as *Gaine's Universal Register* (New York) and *Bailey's Pocket Almanac* (Pennsylvania), among others, began dating their volumes both in the Year of the Lord and in the Year of the American Empire (starting from the Declaration of Independence).[483] Many of these were decorated with the eagle and shield emblem of the new government. This continued after the passage of the Constitution and the 1789 *Bickerstaff's Boston Almanack* celebrated the new constitution and the election of Washington with a woodcut praising 'The Rising Glory of the AMERICAN EMPIRE' and declaring

[481] Aedanus Burke, *Considerations on the Society or Order of Cincinnati* (Charleston, 1783). See also, BF to Sarah Bache, 26 Jan. 1784, *Works of Benjamin Franklin*, vol. 10, ed. Jared Sparks, (Boston, 1840), pp. 59-65. BF complained about the 'Absurdity of descending Honours' and saw 'an Order of hereditary Knights' to be 'in direct Opposition to the solemnly declared Sense of their Country' and hoped the Cincinnati 'will drop this part of their Project, and content themselves as the Knights of the Garter…do, with a Life Enjoyment…let the Distinction die with those who had merited it'.

[482] John Brooke, 'Patriarchal Magistrates, Associated Improvers, and Monitoring Militias: Visions of Self-Government in the Early American Republic, 1760-1840' in Peter Thompson and Peter Onuf (eds.), *State and Citizen: British America and the Early United States* (Charlottesville, 2013), p. 179.

[483] *Bailey's Pocket Almanac* began using the imperial dating system in 1784 and continued until 1800 when the wording was changed to report in the year 'of the Independence of the United States'.

Fig. 8



Frontispiece from *Bickerstaff's Boston Almanack, or Federal Calendar* (Boston, 1789).

'WASHINGTON and LIBERTY forever' (SEE FIG. 8). The publishers of these almanacs were tapping into popular sentiment and appealing to members of the public who envisioned the country as the New World replacement for the British Empire.

Almanacs were used by those interested in public affairs but were especially important to the merchant and lawyer classes. They listed the public officers and civil servants within a state – the governor, members of both chambers of the state legislature, justices of the peace, judges of the federal and state courts as well as the fixed dates of sessions, and the officials of local corporations such as colleges and hospitals. Almanacs also listed commercially important tide charts, currency conversion tables, and descriptions of roads. Others, like *Bailey's*, contained material for farmers such as weather predictions and a list of fairs and markets. Post-revolutionary almanacs were especially important because they gave an aura of legitimacy to the new state and national governments and provided a degree of transparency. By listing the elected and appointed officials of the new republic, these printed volumes physically embodied republican political sovereignty. The new

imperial dating system used in several almanacs predominantly between 1784 and 1800, thus takes on particular significance. Merchants, middling-level lawyers, and the publishers of almanacs had a hand in building and promoting an American empire.

Newspapers and magazines also promoted the popular notion of the US as an empire. For example, when John Adams was made Minister Plenipotentiary to the Court of St James in 1785, newspapers widely reported that he had been 'by the honourable Congress of the United States, appointed to be Ambassador, from this Empire, to the Court of London'.[484] In the early 1790s the *Columbian Magazine* – a prominent national magazine whose contributors included Benjamin Rush, Jeremy Belknap, and David Ramsay – published a reflective history of the American Revolution which celebrated the Declaration of Independence as 'that memorable declaration of Congress, which totally changed the original grounds of the contest with Britain, and formed the colonies into an independent empire, by the name of the United States of America'.[485] There is a sense that when the colonies declared independence from Britain and left the British Empire it was a cleaving of one empire into two.

Reverend Ezra Stiles, a Congregational minister and president of Yale College, gave an election sermon in 1783 before the Connecticut General Assembly and Governor Trumbull in which he extolled on the reasons 'we have to anticipate the glory of american empire'. The sermon, titled *The United States Elevated to Glory and Honor*, drew on Washington's end of war address and Reverend Stiles quoted his interpretation of the Revolution as 'laying the foundation of a great empire'. Stiles

[484] *Independent Journal*, [New York], 26 Feb. 1785; *Pennsylvania Packet*, 3 Mar. 1785; *Maryland Journal*, 8 Mar. 1785.
[485] 'History of the American Revolution', *Columbian Magazine*, vol. 3, (Philadelphia, Mar. 1791), p. 169; Lyon Richardson, *A History of Early American Magazines, 1741-1789* (New York, 1931), pp. 271-72; Jared Gardner, *The Rise and Fall of Early American Magazine Culture* (Urbana, 2012), pp. 81-91. Richardson, however, incorrectly states that the *Columbian Magazine* ceased printing in 1790; it continued until 1792.

declared '[t]he crown and glory of our confederacy' was the '*amphictyonic council* of the GENERAL CONGRESS' built on the principle of republican governance. He believed the government born out of the Revolution would create 'under a truly patriotic, upright, and firm administration, the beautiful superstructure of a well governed and prosperous empire'.[486] This was not unique to the northern states. Reverend James Madison – an Anglican minister, President of the College of William & Mary, and cousin of the Virginia politician of the same name – referred to the United States as an 'extended empire' in a 1786 sermon and the American Empire appears in other sermons preached by various denominations in both the north and south.[487]

Imperium and Empire

Americans' most intimate and immediate understanding of empire came from their experience as part of the British Empire. As a type of organisation, empire referred to the exertion of power and authority over different collectivities. Empire, however, was also used in the eighteenth and early nineteenth centuries to mean *imperium*, Latin for political power or sovereignty.[488] Admittedly, some instances in which Americans in the Early Republic mentioned empire may have been in reference to *imperium* or empire as a discrete independent political body rather than a territorial empire. Despite the different usages, for many citizens and politicians *imperium* of liberty was consistent with an American empire in the mould of Britain. The British had also

[486] Rev. Ezra Stiles, *The United States Elevated to Glory and Honor, A Sermon Preached Before His Excellency Jonathan Trumbull…the General Assembly of the State of Connecticut* (New Haven, 1783), pp. 69, 46, 23, 34.
[487] Rev. James Madison, *A Sermon Preached before the Convention of the Protestant Episcopal Church in the State of Virginia on the Twenty-Six of May 1786* (Richmond, 1786), p. 5. See also, Rev. Isaac Stockton Keith, *The Friendly Influence of Religion and Virtue on the Prosperity of a Nation, a Sermon Preached to the Independent or Congregational Church in Charleston, South Carolina* (Charleston, 1789), pp. 6-7; Rev. John Woodhull, *A Sermon, for the Day of Publick Thanksgiving…on Account of the Establishment of the New Constitution…By the…Pastor of the First Presbyterian Church* (Trenton, 1790), p. 23.
[488] Bernard Henry Holland, *Imperium et Libertas* (London, 1901), p. 1; Armitage, *Ideological Origins*, pp. 29-34.

regarded their empire as an empire of liberty and in a parliamentary speech William Pitt the Elder notably described the British Empire as 'an Empire of Freemen'.[489] As colonists, many Americans had also conceived of the British Empire as an empire of liberty, placing a high value on the British constitution and the traditional rights of Englishmen.

The United States was a group of independent sovereignties loosely united through the Articles of Confederation; empire was a means to describe the relationship of the states to each other. Under Confederation, the states were sovereign and independent of each other while also united as members of an overarching union. A contributor to the *United States Magazine* in 1779 described the US as being 'several states in the union of the empire'.[490] Colonies were not requisite for a polity to be an extended empire. In the era in which the United States described itself as an empire, the Holy Roman Empire and subsequently the Austrian Empire were territorial, multi-state empires which did not have colonies.

Congress under Confederation amounted to a very limited national legislature with the power to declare war and peace, treat with foreign nations, but which could only issue requisitions instead of tax, and which could not regulate the trade or commerce of the states. As colonies they had been independent of each other but united in their union with Great Britain and the Crown, as states they remained independent of each other and united in Congress. A 1766 editorial in the *Pennsylvania Journal* stated 'I conceive the British empire' as 'a confederacy of states, independent of each other, yet united under one head'[491] and the delegates themselves described the British

[489] John Phillip Reid, *The Concept of Liberty in the Age of the American Revolution* (Chicago, 1988), pp. 103-05 (quotation p. 103); Armitage, *Ideological Origins*, pp. 8, 182.
[490] Clarissa, 'Vision of the Paradise of Female Patriotism', *United States Magazine* (Philadelphia, Mar. 1779), p. 123.
[491] *Pennsylvania Journal*, 13 Mar. 1766.

Empire as united in His Majesty the King 'as the loving father of your whole people' and 'connected by the same bands of law, loyalty, faith and blood, though dwelling in various countries'.[492] Under both Confederation and the federal Union, the idea of an American empire was shaped by Britain. Historians like Andrew McLaughlin, Robert Tucker, David Hendrickson, Jack Greene, and Alison LaCroix have acknowledged that 'the essential qualities of American federal organization were largely the product of the practices of the old British empire'. Britain's empire was recognisably federal in its structure. Parliament passed legislation relevant to the Empire as a whole; the provincial assemblies raised taxes and passed local legislation. The multi-layered structure of political authority in the British Empire made for an easy transition to the two-level organisation of state and federal power.[493] Likewise, Peter Onuf remarked that 'Jefferson's conception of republican empire' was rooted in 'an idealized version of the old regime'.[494] In conceiving the Republic as an empire in the mould of Britain but purged of corruption, Americans also assumed many of the same fears and anxieties prevalent in Britain regarding empire and colonial rule.

Constitutional Crisis and a New Congress

The Articles of Confederation created Edmund Burke's empire of many polities under a presiding republic. The Confederation was a loose organisation of the states under which each state retained 'its sovereignty, freedom, and independence' in a 'Perpetual Union' built as a 'League of Friendship'.[495] Under Confederation, the United States was pluralistic; the states were politically sovereign and independent entities.

---

[492] *JCC*, vol. 1, p. 120.
[493] Andrew McLaughlin, 'The Background of American Federalism', *American Political Science Review*, vol. 12, no. 2 (1918), pp. 215, 217-18 (quotation); Robert Tucker and David Hendrickson, *The Fall of the First British Empire: Origins of the War of American Independence* (Baltimore, 1982), pp. 175-76; Greene, *Peripheries and Center*, pp. 172-75; David Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence, 2003), pp. 19, 73; Alison LaCroix, *The Ideological Origins of American Federalism* (Cambridge [MA], 2010).
[494] Onuf, *Jefferson's Empire*, p. 55.
[495] *JCC*, vol. 19, p. 214.

While this arrangement had been effective during wartime, without a unifying issue in the post-war years Continental Congress was weakened and occasionally paralysed. Relations between the states also foundered in the post-war era. When the interest of one state was at odds with another, self-interest ruled. Several states issued discriminatory trade regulations against each other, undermining the principle of friendship and union.[496] It was because of tensions like these that David Hendrickson has described the federal Constitution 'as a peace pact'.[497]

By the mid-1780s, the prestige and authority of Congress was ebbing. In 1785, Henry Knox complained that '[e]very State considers its representative in Congress not so much the Legislator of the whole Union, [but] as its own immediate Agent or Ambassador'.[498] The state legislatures wielded greater power, and with no war requiring congressional action, attendance fell sharply. Indeed, as a post-war delegate, Jefferson argued the 'constant session of Congress' was not 'necessary in time of peace' and suggested the delegates 'separate and return to our respective states'. Furthermore, he maintained that this dispersal would finally 'destroy the strange idea of their being a permanent body, which has unaccountably taken possession of the heads of their constituents'.[499] Eventually, reaching a quorum became an issue and hindered day-to-day business. In March 1787, James Madison lamented that the 'thinness of Cong[re]s[s] has been an obstacle to all the important business before them...And I see

[496] Madison to TJ, 18 Mar. 1786, *Madison Papers*, vol. 8, pp. 500-04: 'The States are every day giving proofs that separate regulations are more likely to set them by the ears, than to attain the common object. When Mass[achuse]t[t]s set on foot a retaliation of the policy of G.B. Connecticut declared her ports free. N.Jersey served N.York in the same way. And Delaware I am told has lately followed the example in opposition to the commercial plans of Penn[sylvani]a'. This is specifically addressed in Article I, Section 9, Clause 6 of the US Constitution which states 'No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another'.
[497] Hendrickson, *Peace Pact*, p. 282.
[498] Henry Knox to GW, 31 Jan. 1785, *GW Papers*, CS, vol. 2, p. 302.
[499] TJ to François Marbois, 5 Dec. 1783, *TJ Papers*, vol. 6, pp. 373-74.

little prospect of the number being increased'.[500] As Douglas Bradburn has noted, Continental Congress was organised more as an international congress of nations and a replacement for British imperial authority 'than as a unifying government of a self-aware American people'.[501] Under Confederation, Congress functioned like the imperial diet of the Holy Roman Empire, a court of ambassadors from the constituent sovereignties.[502]

Some people recognised the flaws of the Articles of Confederation prior to their formal enactment. A year before the Articles would go into effect, Philip Schuyler, a delegate from New York who took part in the 1775 invasion of Québec, believed that 'our affairs demand a bold resolute use of power, and that Congress must have new and Extensive powers…It Involves an absurdity that the propriety of the recommendations of the directing powers of the Empire should be Complied with or not as It may be thought Expedient by the States'. As early as 1780, Schuyler hoped to see a 'Convention…to form a Constitution for Congress…If this were done, perhaps It would tend to preserve unanimity for ages and promote the weal of the Empire'.[503]

The outbreak of Shays's Rebellion in Massachusetts in 1786 further shook confidence in the Articles of Confederation and in the words of Henry Lee 'portends much calamity to our infant empire'.[504] Not everyone was troubled by the uprising, however. Thomas Jefferson, for example, did not see Shays's as a condemnation of Confederation. Rather, he saw it as an indication of the strength of the American

[500] Madison to GW, 18 Mar. 1787, *Madison Papers*, vol. 9, pp. 314-17.
[501] Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville, 2009), p. 54.
[502] Andreas Osiander views the Holy Roman Empire as 'a system of governance for matters of common interest while leaving the internal government to each of the participating actors individually'. While the imperial diet could pass binding legislation, it was also 'a forum for discussion'. The empire 'had no central government…it was not a state but a regime'; the princes 'did the actual governing within their territories', see Osiander, 'Sovereignty, International Relations, and the Westphalian Myth', *International Organization*, vol. 55, no. 2 (2001), pp. 271-79.
[503] Schuyler to Jeremiah Wadsworth, 16 July 1780, *LDC*, vol. 15, p. 456.
[504] Henry Lee to StGT, 20 Oct. 1786, Swem Library, W&M, TCP, MS 40 T79, ser. 1, box 13, item 1918.

government; 'The late rebellion in Massachuset[t]s has given more alarm than I think it should have done. Calculate that one rebellion in 13 states in the course of 11 years, is but one for each state in a century and a half. No country should be so long without one. Nor will any degree of power in the hands of government prevent insurrections'.[505] While Jefferson did see the Articles as flawed, this was largely due to the fact that under Confederation the states lacked coherence in foreign policy; the Articles formed 'too weak a band to produce an union of action as to foreign nations'.[506] Jefferson wanted any revision to the confederation to 'make us one nation as to foreign concerns' only and 'keep us distinct in Domestic ones'.[507]

For many, Shays's exacerbated existing concerns with the Confederacy; the Articles had already proved too weak to collect debt, pay European creditors, and prevent former allies from disallowing trade. These anxieties were further exacerbated by the fact Shaysites were in negotiations with British officials and believed to be seeking re-union with Britain.[508] In a letter to the Governor of North Carolina, delegate Timothy Bloodworth warned that 'if a more efficient government is not obtained, a dissolution of the Union must take place'.[509] In the wake of the growing discontent with the Articles of Confederation, there emerged several competing visions of empire for the future of the United States.

In 1786, an article appeared in the *Columbian Magazine* weighing in on the debate over the weaknesses of the Articles of Confederation arguing that '[b]y with-holding from that body [i.e., Congress] those powers, that are necessary to render the

[505] TJ to Madison, 20 Dec. 1787, *TJ Papers*, vol. 12, pp. 438-43.
[506] TJ, Notes on the Letter of Christoph Daniel Ebeling, c. 30 July 1795, ibid., vol. 28, pp. 506-10.
[507] TJ to Madison, 16 Dec. 1786, ibid., vol. 10, pp. 602-06.
[508] Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788* (New York, 2010), pp. 11-17, 68; David Szatmary, *Shays' Rebellion: The Making of an Agrarian Insurrection* (Amherst, 1980), pp. 108-18.
[509] Timothy Bloodworth to Gov. Richard Caswell, 4 Sept. 1786, *LDC*, vol. 23, p. 550

fœderal government efficient, and to unite the various interests of the several states, we render ourselves weak and defenceless. And by this means, each state is induced to arrogate to itself, individually, that portion of sovereignty, which it ought only to exercise in conjunction with the others, as a part of one Commonwealth – the Empire of the United States'.[510] Congress had to have more power and the states had to act in concert; in other words, the Confederation lacked a sufficient degree of *imperium*. Notably, this tract was written under the pseudonym, *Pro Republic*, again juxtaposing republicanism with empire and merging the two Roman traditions. While the term empire does not appear in the Constitution, it was prevalent in debates both defending and attacking the Constitution and federal union.

In 1787, Joel Barlow used his Fourth of July speech to the Connecticut Society of the Cincinnati to support the federal Constitution. Barlow's speech was reprinted the following month in the *American Museum*. While celebrating the Fourth of July and the Declaration of Independence as 'the birth of the empire', Barlow also spoke on the importance of 'effecting the establishment of a permanent federal system'. He warned that '[i]t is not for glory, it is for existence that we contend'; '[w]ithout an efficient government, our independence will cease to be a blessing' and leave the United States open to recolonisation.[511]

Republican Empire and Constitutional Discourse

The *Federalist Papers*, written by Alexander Hamilton, James Madison, and John Jay under the pseudonym *Publius*, were the most influential essays defending the adoption of the Constitution drafted at the Annapolis Convention. Named for a founder of the Roman Republic, the designation of the United States as an empire permeates

[510] Pro Republica, 'Thoughts on the Present Situation of the Fœderal Government of the United States of America', *Columbian Magazine*, vol. 1, (Philadelphia, Dec. 1786), p. 173.
[511] Joel Barlow, 'An Oration delivered…at the Meeting of the Connecticut Society of the Cincinnati', *American Museum*, vol. 2, (Philadelphia, Aug. 1787), pp. 135-38.

the *Federalist Papers*. The essays defend republicanism and federalism, while simultaneously describing the young country as an empire.

In the first *Federalist* essay, Hamilton declared that the public deliberation over the proposed US Constitution would determine 'the fate of an empire' and 'the existence of the union'.[512] The country stood at a precipice. The early *Federalist* essays warned that '[a]mong the most formidable of the obstacles' to the Constitution were 'the perverted ambition' of some men for 'the subdivision of the empire into several partial confederacies' or 'the dismemberment of the empire' and its 'separation of the States into thirteen unconnected sovereignties'.[513] In Nos. 2 and 4, John Jay equally warned against those who 'instead of looking for safety and happiness in union…seek it in a division of the States into distinct confederacies or sovereignties' which would endanger independence, leaving the smaller states susceptible to invasion.[514]

These competing ideas for the future of the country – the complete dissolution of the confederation into thirteen independent countries, a partial separation into smaller confederacies, or the creation of federal union – all had a backing in the works of the Baron de Montesquieu. Montesquieu's political theory was built around a geographical principle. A body politic was best suited to a particular form of government depending on its physical extent or territorial ambitions. Republics best served small states; monarchies were best suited to govern moderate-sized territories.[515] Expansive states were the least liberal, and Montesquieu wrote that a 'large empire supposes a despotic authority in the person that governs'.[516]

---

[512] [AH], Federalist No. 1, *Independent Journal*, [New York], 27 Oct. 1787.
[513] [AH], Federalist No. 13, *Independent Journal*, 28 Nov. 1787.
[514] [JJ], Federalist No. 2, *Independent Journal*, 31 Oct. 1787; Federalist No. 4, *Independent Journal*, 7 Nov. 1787.
[515] *Spirit of Laws*, vol. 1, book 9, chap. 1, pp. 167, 161.
[516] Ibid., vol. 1, book 8, chap. 19, p. 163. While most scholars interpret Montesquieu as anti-colonial and anti-imperial, more recent scholarship has contended that his works contain the concept of an enlightened empire; see, Michael Mosher, 'Montesquieu on Empire and Enlightenment' in Sankar Muthu (ed.), *Empire and Modern Political Thought* (Cambridge [UK], 2012), p. 139, and Manjeet Ramgotra,

There was a strong conviction in the eighteenth century that republican liberty and territorial expansion were fundamentally incompatible. Montesquieu held that a republic had to be confined to a small territory 'otherwise it cannot long subsist'. He believed that in a 'large republic, the public good is sacrificed to a thousand views…In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen'.[517] The American states already exceeded Montesquieu's idealised republican polity and Hamilton retorted in essay No. 9 that '[w]hen Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania, New York, North Carolina, nor Georgia can by any means be compared with the models from which he reasoned and to which the terms of his description apply'.[518] Montesquieu also maintained that the larger the polity the more despotic the government, hence empire was often equated with tyranny. In *Federalist* No. 10, Madison argued the size of the US would instead dilute the power of self-interest and faction: 'The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States'.[519] Where Montesquieu saw size as a potential liability, Hamilton and Madison saw it as an advantage and in this way empire became a safeguard for liberty.[520] In America, empire and republicanism were not antagonistic but complimented each other. Joel Barlow, for example, declared that 'the fabric of the American Empire' was founded on the 'theory of human rights'.[521]

'Republic and Empire in Montesquieu's *Spirit of the Laws*', *Millennium: Journal of International Studies*, vol. 42, no. 3 (2014), pp. 795-800.

[517] *Spirit of Laws*, vol. 1, book 8, chap. 16, p. 160.

[518] [AH], Federalist No. 9, *Independent Journal*, 21 Nov. 1787.

[519] [Madison], Federalist No. 10, *Daily Advertiser*, [New York], 29 Nov. 1787.

[520] David Armitage, 'Empire and Liberty: A Republican Dilemma' in Martin van Geldern and Quentin Skinner (eds.), *Republicanism: A Shared European Heritage*, vol. 2, (Cambridge [UK], 2002), pp. 42-43, 46.

[521] *American Herald*, [Hartford, CT], 7 Nov. 1805; *Providence Phoenix*, 16 Nov. 1805.

République Fédérative

According to Montesquieu, the only way to avoid (or at least minimise) tyranny in an expansive polity was to construct a *république fédérative*, a type of confederation which 'has all the internal advantages of a republican, together with the external force of a monarchical government'.[522] Montesquieu cited the United Provinces of the Netherlands and the Holy Roman Empire as modern examples of an enlarged republic held together by such a confederation. The Dutch Republic was comparable to the combined size of Maryland and Delaware and the Holy Roman Empire was roughly comparable to the Northwest Territory. The United States and its territories far exceeded what Montesquieu thought was feasible even for a *république fédérative*. While Hamilton had invoked Montesquieu's concept of a *république fédérative* in No. 9 and Madison in No. 43, the *Federalist Papers* moved beyond Montesquieu's notion and explicitly refuted his examples.[523]

While Montesquieu invoked the positive aspects of the federal structure of the Holy Roman Empire, *Federalist* No. 19 upheld it as a warning – a lesson of what *not* to do. Madison argued the 'federal system which constitutes the Germanic empire' was a failure; the government was weak and the union was held together out of fear of foreign powers rather than efficacy. The empire was 'a community of sovereigns' paralysed by the 'jealousies, pride, separate views, and clashing pretensions of sovereign bodies'. The imperial diet was merely 'a representation of sovereigns' whose 'laws are addressed to sovereigns' which Madison argued rendered 'the empire a nerveless body, incapable of regulating its own members, insecure against external

[522] *Spirit of Laws*, vol. 1, book 9, chap. 1, p. 167.
[523] [AH], Federalist No. 9: 'So far are the suggestions of Montesquieu from standing in opposition to a general Union of the States, that he explicitly treats of a CONFEDERATE REPUBLIC as the expedient for extending the sphere of popular government, and reconciling the advantages of monarchy with those of republicanism'; [Madison], Federalist No. 43, *Independent Journal*, 23 Jan. 1788.

dangers, and agitated with unceasing fermentations in its own bowels'. According to Madison, the history of the Empire was one 'of wars among the Princes and States'. Indeed, during the American Revolutionary War, several constituent states of the Holy Roman Empire defied Emperor Joseph II's stated neutrality and lent troops to aid the British in crushing the American rebellion.[524] It was internal divisions like these that the Constitution sought to prevent.

The Germanic empire failed to exert *imperium* within its own borders. The Reichstag held authority over sovereigns – the princes, dukes, landgraves, margraves, and electors of the constituent states – not over its peoples. As it only 'represented the imperial Estates, not their populations', historian Peter Wilson has characterised the imperial diet as being only a 'forum within which all imperial Estates and the emperor could negotiate'.[525] In turn, the invocation of the Holy Roman Empire and the Reichstag was a backhanded way for Madison to criticise the organisation of Congress under Confederation; the delegates represented the individual sovereign states, not the people.[526] Similarly, *Federalist* No. 20 expounded on the Netherlands and its shortcomings as a *république fédérative* arguing that it was a confederacy of aristocracies plagued by 'imbecility in government'. Madison used the Netherlands, like the Holy Roman Empire, to show that 'a sovereignty over sovereigns, a government over governments, a legislation for communities, as contradistinguished from individuals' was 'subversive of the order and ends of a civil polity'.[527]

While the *Federalist Papers* are the most well-known essays defending the Constitution, other notable writers published arguments in favour of ratification which

[524] Edward Lowell, *The Hessians and other German Auxiliaries of Great Britain in the Revolutionary War* (New York, 1884), pp. 2-3.
[525] Peter Wilson, *The Holy Roman Empire: A Thousand Years of Europe's History* (London, 2016), p. 443.
[526] [Madison], Federalist No. 19, *Independent Journal*, 8 Dec. 1787.
[527] [Madison], Federalist No. 20, *New-York Packet*, 11 Dec. 1787.

also espouse the notion of the Republic as an empire. In 1788, John Dickinson wrote a series of essays on the Constitution under the pseudonym *Fabius*. Although not as famous today as the *Federalist Papers*, George Washington believed 'an extensive republication' of Dickinson's essays would remove the negative 'impressions which have been made upon the minds of many by an unfair or partial representation of the proposed Constitution'.[528]

In the eighth letter of the *Fabius* series, Dickinson praised the Constitution for establishing 'a system of diversified representation in the legislative, executive, and judicial departments' which were 'necessary to the good government of an extensive republican empire'.[529] While adhering to the Montesquiean belief that federation achieved the benefits of both monarchy and republic, Dickinson recognised the US was embarking on something radically different. 'Where was there ever a confederacy of republics, in such territory, united *as these states are to be* by the proposed constitution', Dickinson asked. 'Where was there ever a confederacy, in which, the sovereignty of each state was *equally represented* in one legislative body, the people of each state *equally represented* in another, and the sovereignties and people of all the states *conjointly represented*'.[530] Madison similarly asserted in *Federalist* No. 46 that the states and national government were 'in fact but different agents and trustees of the people, constituted with different powers'.[531] The lower house of the national legislature was to be comprised, as Madison stated in *Federalist* No. 53, of 'the representatives of every part of the empire'.[532] Likewise, Hamilton argued that through

[528] GW to John Vaughan, 27 Apr. 1788, *GW Papers*, CS, vol. 6, pp. 241-42.
[529] *Pennsylvania Mercury*, 29 Apr. 1788; *Providence Gazette*, 26 July 1788; [John Dickinson], *The Letters of Fabius* (Wilmington, 1797), p. 62.
[530] [Dickinson], *Fabius*, p. 63.
[531] [Madison], Federalist No. 46, *New-York Packet*, 29 Jan. 1788.
[532] [Madison], Federalist No. 53, *New-York Packet*, 9 Feb. 1788.

the Senate, the states form 'constituent parts of the National Sovereignty'.[533] The American model of federalism moved beyond Montesquieu whose *république fédérative* was united through a government of sovereignty over sovereigns. The US system combined rule by sovereignty over sovereigns with the sovereign rule of the people.

Americans, through the Constitution and the tracts defending it, as J.G.A. Pocock has argued, changed the meaning of federal and federalism 'to denote a political system' which 'was more highly unified than a "confederation" or a "confederacy", because it possessed a national government exercising sovereignty over individuals, rather than authority over sovereigns'.[534] Americans built on the ideas of Montesquieu but pivoted in a new direction. The Constitution reshaped the meaning of federation, extending it far beyond Montesquieu's *république fédérative*. Notably, when leaders of the British dominions began to push for the federation of the British Empire in the 1880s, they built their ideas explicitly on American federalism.[535]

Defining a Republic

What constituted a republic or republican government was not agreed upon in the eighteenth century and in 1787 John Adams bemoaned that 'the name of republic is given to things in their nature as different and contradictory as light and darkness, truth and falsehood, virtue and vice, happiness and misery'.[536] Similarly, *Federalist* No. 39 complained that the title of republic had been improperly bestowed on governments which do not merit the name, especially Venice, the Netherlands, Poland, and Great

[533] [AH], Federalist No. 9.
[534] J.G.A. Pocock, 'States, Republics, and Empires: The American Founding in Early Modern Perspective' in Terence Ball and J.G.A. Pocock (eds.), *Conceptual Change and the Constitution* (Lawrence, 1988), p. 71.
[535] Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900* (Princeton, 2007), p. 237.
[536] JA, *A Defence of the Constitutions of Government in the United States of America*, vol. 1, (Philadelphia, 1787), p. 87.

Britain.[537] While republicanism is today invoked as the antithesis of monarchy and is central to the anti-royalist movements in the Commonwealth Realms, this was not the case in the eighteenth century.[538] As seen above, Montesquieu used the Holy Roman Empire – a political community headed by an emperor and comprised of numerous subordinate reigning princes – as an example of an extended semi-federal republic.

In the *Spirit of Laws*, Montesquieu defined republican government as 'that in which the body, or only a part of the people, is possessed of the supreme power…When the body of the people in a republic are possessed of the supreme power, this is called a democracy'.[539] In No. 10, James Madison instead defined a republic as 'a government in which the scheme of representation takes place'.[540] Madison refined this definition and explicitly countered Montesquieu's conception in essay 14, arguing:

> The error which limits republican government to a narrow district…seems to owe its rise and prevalence chiefly to the confounding of a republic with a democracy…in a democracy, the people meet and exercise the government in person; in a republic, they assemble and administer it by their representatives and agents.[541]

By defining a republic as a representative rather than a participatory community, republics could be governed by a small number of representatives of the people and were thus conducive to large states and capable of being extended over a 'greater number of citizens and extent of territory'.[542] After its ratification, the Constitution was celebrated for 'bind[ing] thirteen independent sovereignties into a confederated

---

[537] [Madison], Federalist No. 39, *Independent Journal*, 18 Jan. 1788. Notably, John Trenchard and Thomas Gordon referred to Britain as a republic headed by a monarch, see *Cato's Letters; or, Essays on Liberty, Civil and Religious*, 3rd edn., vol. 2, (London, 1723), p. 28.
[538] The main anti-monarchist groups in Australia, for example, are the Australian Republican Movement (ARM) and the Republican Party. Viscount Bryce's notion of a 'Crowned Republic' is more in keeping with the possible variations of republicanism in the eighteenth century. Bryce defined a Crowned Republic as 'a community monarchical in its form, but republican in its spirit and operation' and cited Great Britain, Norway, and the British Dominions as examples of such states; James Bryce, *Modern Democracies*, vol. 2, (New York, 1921), pp. 178 (quotation), 535.
[539] *Spirit of Laws*, vol. 1, book 2, chap. 2, p. 9.
[540] [Madison], Federalist No. 10, *Daily Advertiser*, 29 Nov. 1787.
[541] [Madison], Federalist No. 14, *New-York Packet*, 30 Nov. 1787.
[542] [Madison], Federalist No. 10.

Empire'.[543] The Constitution recalibrated the balance between liberty and *imperium*, and the *Pennsylvania Packet* astutely predicted that just as the 'year 1776 is celebrated…for a revolution in favor of Liberty. The year 1787…will be celebrated with equal joy for a revolution in favor of Government'.[544]

When Washington was elected the first president in 1789, he received letters of congratulations from public institutions and politicians which embraced the imperial epithet. The president and faculty of the University of Pennsylvania congratulated Washington on his 'accession to the first office in the federal Empire' and remarked that to 'be the first Magistrate of a great Empire, is a situation that many have attained: but to acquire it by the unanimous voice of a free people, is an event as rare in the history of the world as those illustrious virtues of which it is the just reward'.[545] Robert Morris, a former delegate in Continental Congress and one of the inaugural US senators, congratulated Washington on his 'Election to the first Office in the American Empire'.[546] Newspapers celebrated the event and many published articles on 'the illustrious President of the American Empire'.[547]

Private citizens likewise congratulated the new president using the language of empire. For example, Mercy Taft – a young woman from Uxbridge, Massachusetts – wrote to Washington that 'I shall ever esteem, and Revere the name of him whose noble

[543] James Hillhouse (F-CT), 22 Mar. 1796, *Annals of Congress*, HR, 4th Cong., 1st Sess., p. 668.
[544] *Pennsylvania Packet*, 8 Sept. 1787.
[545] University of Pennsylvania to GW, 20 Apr. 1789, LoC, WP, MS 44693, ser. 2, letterbook 38, fo. 15. See also, Dartmouth College to GW, 23 Aug. 1789, LoC, WP, MS 44693, ser. 2, letterbook 38, fo. 85. GW had been referred to as the founder of the American Empire well before the end of the War. For example, in 1777 Gabriel Jones wrote that he wished to see historians recognise GW as the 'protecter & preserver of the Rights & Liberties of this extensive empire': Gabriel Jones to GW, 6 June 1777, *GW Papers*, RWS, vol. 9, pp. 622-24. John Brown in 1778 wrote of the 'Independent Empire which You have in a Very Great Meisure ben the Cause of Establishing': John Brown to GW, 9 July 1778, LoC, WP, MS 44693, ser. 4, reel 50, 9641. See also, Jacob Wray to GW, 13 Sept. 1792, *GW Papers*, PS, vol. 11, pp. 111-12: 'the Father of this New Empire'.
[546] Robert Morris to GW, 6 Apr. 1789, LoC, WP, MS 44693, ser. 4, reel 98, 243–13. See also, William Shippen, Jnr to GW, 6 Apr. 1789, *GW Papers*, PS, vol. 2, pp. 35-36; Anthony Wayne to GW, 6 Apr. 1789, ibid., pp. 36-37.
[547] *New-Hampshire Gazette*, 22 Apr. 1789.

deeds and Patriotism, has laid a permanet [*sic*] obligation on all the Sons & Daughters of the American Empire ever to adore their unequaled Benefactor'.[548] The designation of the presidency as the first office of the American Empire was not limited to Washington's tenure. After his election in 1797, John Adams received similar letters congratulating him for the good fortune that 'god hase put you at the head of this greate empire'.[549] Throughout his presidency, Adams received letters addressing him as 'the Head of a great and rising Empire' and the 'First Magistrate of a Great Empire'.[550] Jefferson was likewise congratulated on his 'elevation' to preside 'over a cluster of genuine republics, obedient, members of one great, durable, and growing Empire'.[551] In 1805, another private citizen wrote to Jefferson as 'the chief Magistrate of our florishing Empire' and one French correspondent even addressed Jefferson as the «premier Magistrat de ce Vaste Empire».[552] The meeting of the Electoral College in 1800 was described by one newspaper as the event in which 'the Representatives of the people of the United States are to give to this Empire a Chief Magistrate'.[553] Even as late as 1815, President Madison received an address from a citizen stating that 'the good people of these United States have had the honour & happiness to have you to preside over thier [*sic*] vast Empire'.[554]

Continental Congress had occasionally been referred to by the public as the 'grand council of the American Empire' and a similar notion continued under the

[548] Mercy Taft to GW, 28 Dec. 1789, LoC, WP, MS 44693, ser. 4, reel 99, 245–25. See also, Thomas Bartholomew Bowen to GW, 27 Oct. 1789, *GW Papers*, PS, vol. 4, pp. 238-40: 'the unanimous suffrages of your admiring Country have called you, will you, illustrious Sir, in the Chair of Empire'.
[549] Collen Williamson to JA, 26 Apr. 1797, MHS, AP, P-54, reel 384, fo. XIX 38; see also congratulations printed in *Otsego Herald*, [Cooperstown, NY], 2 Mar. 1797.
[550] Oliver Whipple to JA, 1 Aug. 1798, MHS, AP, P-54, reel 390, fo. XX 1; Turrell Tufts to JA, Jan. 1800, MHS, AP, P-54, reel 397, fo. XX 265.
[551] John Browne Cutting to TJ, 20 Apr. 1801, LoC, JP, MS 27748, ser. 1, reel 23, 19201.
[552] David Launy to TJ, 1 Jan. 1805, Swem Library, W&M, TCP, MS 40 T79, ser. 2; Louis-Philippe Gallot de Lormerie à TJ, c. 14 Apr. 1803, *TJ Papers*, vol. 40, pp. 203-07: 'the first magistrate of a vast empire'.
[553] *The Spectator*, [New York], 11 Feb. 1801.
[554] William Lovely to Madison, Sept. 1815, NARA, RG 107, LR, M221, reel 64, fo. 7047.

Constitution.[555] For example, in 1789 the federal House of Representatives received a petition from a group of Baltimore merchants declaring that the American people 'look up to the supreme Legislature of the United States as the guardians of the whole empire'.[556] Both chambers of the federal Congress embraced the concept of the United States as an empire. In January 1790, the House replied to the President's State of the Union address declaring '[t]he information that our measures of the last session have not proved dissatisfactory to our constituents, affords us much encouragement at this juncture, when we are resuming the arduous task of legislating for so extensive an empire'.[557] Likewise, a Senate address to the President in November 1800 condemned 'all spirit of innovation…which may impair the sacred bond that connects the different parts of this empire'.[558] These examples are far from unique and references to an American empire appear throughout legislative debates.[559]

LEGISLATING FOR AN EMPIRE

THE ORDINANCES AND COLONIAL GOVERNMENT

It is within this context of a common notion of an American republican empire that the creation of the Northwest Territory, and the series of ordinances governing it, ought to be understood. Through the 1783 Treaty of Paris, Britain ceded southern Québec to the United States. The appellation of empire was more than empty rhetoric;

---

[555] Cumberland County Petition to Gov. Clinton, 4 May 1779, in *Rural Magazine*, (Rutland [VT], Dec. 1795), p. 626; *Massachusetts Spy*, [Worcester], 16 Dec. 1784; *Providence Gazette*, 29. Jan. 1785; *Pennsylvania Packet*, 5 Oct. 1785.
[556] *Annals of Congress*, HR, 1st Cong., 1st Sess., pp. 120-21.
[557] Ibid., HR, 1st Cong., 2nd Sess., p. 1088.
[558] Ibid., Senate, 6th Cong., 2nd Sess., p. 726.
[559] For the year 1789 alone, see: James Madison (DR-VA), 13 May 1789, ibid., HR, 1st Cong., 1st Sess., p. 354: 'It is a necessary duty of the general government to protect every part of the empire against danger, as well internal as external'; Fisher Ames (F-MA), 5 June 1789, ibid., HR, 1st Cong., 1st Sess., p. 437: 'the interest, prosperity, and happiness of this extensive empire'; James Jackson (DR-GA), 19 June 1789, ibid., HR, 1st Cong., 1st Sess., p. 577: 'collecting the money of the empire'; Thomas Scott (F-PA), 13 July 1789, ibid., HR, 1st Cong., 1st Sess., p. 650: 'an empire illustrious as it is extended'; Madison (DR-VA), 4 Sept. 1789, ibid., HR, 1st Cong., 1st Sess., p. 895: necessity of placing 'the Government in that spot which will be least removed from every part of the empire'.

the Republic had to determine what to do with its territorial acquisition. The region lacked political organisation and had no existing government. Although the unreformed Congress struggled to coerce the states to act in concert after the end of the War, between 1784-1787 the delegates outlined plans for the ceded lands eventually settling on a system modelled on Britain's colonies which gave Congress considerable oversight and a high degree of control. While Continental Congress failed to rein in the states before the creation of the federal government, the delegates ensured that there would be no such power disputes between Congress and the new US territory.

Even before the formal cession, Congress debated what to do with the western territory. In July 1776, soon after the Declaration of Independence, a revised draft of the Articles of Confederation was read containing a provision vesting Continental Congress with the power for '[a]ssigning Territories for new Colonies' and disposing of all western lands for the general benefit of the Confederacy.[560] Two years later in September 1778, a report by the Treasury advised that 'the several States having large uncultivated Territory, beyond what is in their Power to govern, be called on to cede the same to the United States'.[561] The report also recommended dividing the region 'into separate independent States, to be admitted into the Union, to have a Representation in Congress, and to have a free Government in which no Officials shall be appointed by Congress, other than such as are appointed through the other States'.[562] The states carved from the territory would be free and autonomously governed like the existing states. These proposals represent the earliest iterations of how to govern and organise the west.

[560] *JCC*, vol. 5, p. 551. It should be noted that the usage of 'colonies' in this draft is convoluted; sections referred to the states within the confederation as 'colonies' and at times still refers to the Confederacy as the 'United Colonies' despite officially declaring the name of the Union to be the United States.
[561] *JCC*, vol. 12, pp. 928-31.
[562] Ibid., p. 931.

The reason the Treasury Office issued a report on the western territory was, however, grounded in concerns about debt not governance. The report proposed that western land be appraised and then sold off to fund the national debt.[563] Until the adoption of the Constitution in 1789, Congress did not have the power to directly levy taxes on the states. Congress could only raise revenue by issuing requisitions to the states which were rarely paid in full. The only effective means to resolve the crisis of paying off national debts was through the sale of land, an ingenious way of raising revenue which conveniently left individual ratepayers unburdened. The proposal was a popular one, and in 1780 even Thomas Paine advocated the sale of western lands to fund the public debt.[564]

The west was so important that the ratification of the Articles of Confederation was delayed in large part because of the western land claims of the individual states. Maryland, the last to ratify, did so in February 1781 – two years after the previous state – only after receiving assurances that states with active western claims would cede them to Congress and the Union as a whole.[565] On 21 May 1779, the delegates from Maryland informed Congress that their Assembly instructed them to refuse to accede to the Articles of Confederation until all western claims were surrendered on the grounds that individual state claims were 'incompatible with the general welfare of all the states'.[566] The root of Maryland's refusal was the belief that the west 'should be considered as a common property, subject to be parcelled out by Congress into free, convenient and independent governments'.[567]

---

[563] Ibid., p. 932.
[564] Thomas Paine, *Public Good: Being an Examination into the Claim of Virginia to the Vacant Western Territory, and of the Right of the United States to the Same: To Which is Added, Proposals for Laying off a New State, to be Applied as a Fund for Carrying on the War, or Redeeming the National Debt* (Philadelphia, 1780).
[565] Thomas Perkins Abernethy, *Western Lands and the American Revolution* (New York, 1937), pp. 238-39, 242-45.
[566] *JCC*, vol. 14, p. 620.
[567] Ibid., p. 622.

Maryland's complaint exposes a clash between two different modes of empire building. One which would vest Congress with the power to create colonies through the Articles of Confederation and the other which would give colony-making power to the individual states. Maryland was leading the charge to establish a central government strong enough to create internal colonies. Because Virginia and New York claimed expansive tracts of western land, smaller states wanted assurances Congress would organise westward expansion. It was feared that allowing the claimant state to settle and dictate the government structure of a new state would result in the west being 'bound by some alliance' to the claimant states and increase their influence within the Union.[568] Under this construction, rather than being dependent on the Union as a whole, these colonies would owe greater allegiance to their individual parent state. The question of debt and land sales also weighed heavily. If Virginia, for example, was allowed to organise westward expansion, Virginians would reap the benefits alone, raising massive revenue from land sales while the other, especially smaller states, would be forced to levy high taxes to pay off their share of the war debt. A small state would be drained 'of its most useful inhabitants, its wealth; and its consequence in the scale of the confederated states would sink'.[569]

In response to Maryland's concerns, Congress resolved in September 1780 to pressure 'those states, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation'.[570] This manoeuvre resulted in the west being held by the Union as whole and affirmed the use of land sales to reduce the national debt. The west was thus viewed as a great source of national

[568] Ibid., p. 621.
[569] Ibid.
[570] Ibid., vol. 17, p. 807.

wealth and delegate Arthur Lee optimistically wrote that the west would 'at once relieve us of our debt, & strengthen our empire'.[571]

Although the British cession had formed the southern part of Québec, it had very little European political or social structure. Across more than 200,000 square miles there were only 3,000 *Québécois* settlers scattered between Cahokia, Kaskaskia, Saint-Philippe, and Prairie du Rocher in present-day Illinois, Vincennes in present-day Indiana, Detroit in Michigan, and Green Bay and Prairie du Chien in Wisconsin (SEE FIGS 9 AND 10). The territory was unpopulated as far as most Americans were concerned. This of course ignored the Indian population and the formidable Indian Confederation which frustrated US attempts at settlement.[572] Nor was the old *Canadien* population insignificant; as late as the 1830s French remained the dominant language in Detroit.[573] After 1783, Congress faced the monumental task of how to structure, settle, and incorporate the region in practice rather than in theory.

Due to the vast size of the Northwest and its continued partial British occupation, US influence and sovereignty was limited to the stretch between the Ohio and Mississippi Rivers south of Lake Erie and Lake Michigan until after 1796. Even after the Jay Treaty, US authority in much of the region was limited and tenuous. For example, Prairie du Chien was over 600 miles northwest of the base of US political power concentrated around Fort Harmar and, due to its isolation, the US did not attempt to assert sovereignty over Prairie du Chien until 1800 and real US control was not

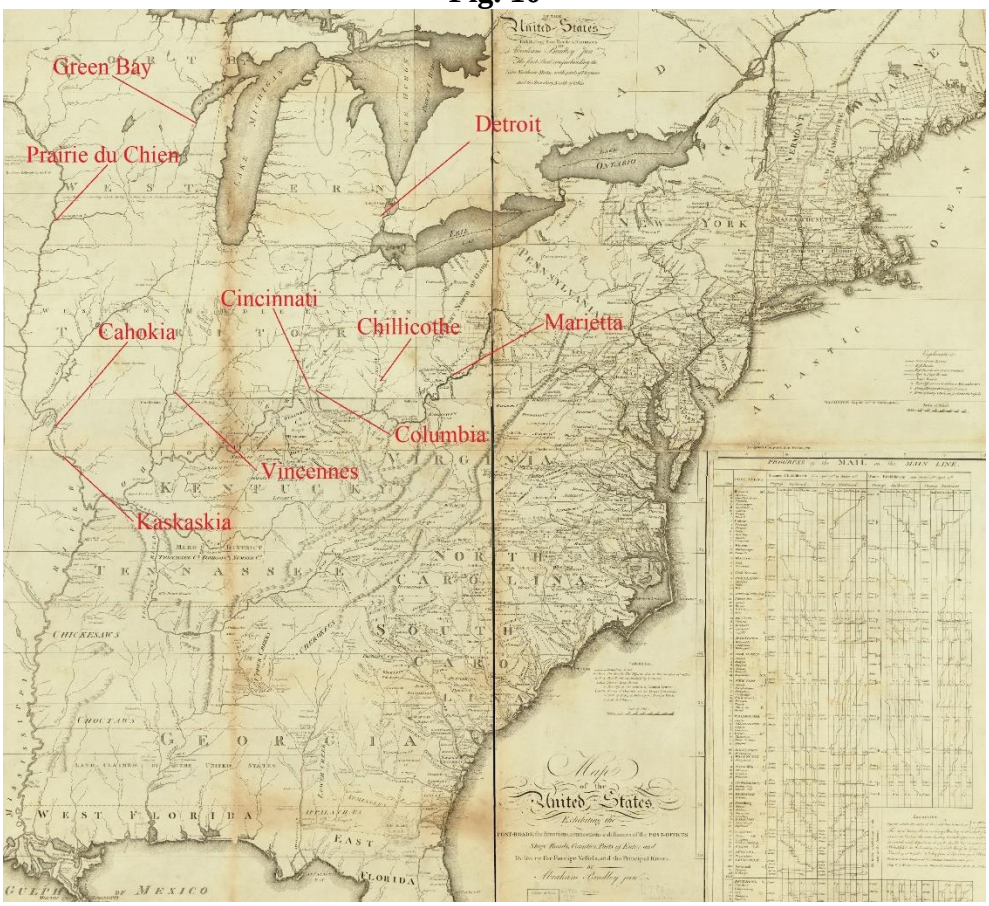
[571] Arthur Lee to JA, 6 Mar. 1785, *Adams Papers*, PJA, vol. 16, pp. 545-47.
[572] The Indian Confederacy was formed in the 1780s and composed of over 30 Indian nations which included the Chippewa, Iroquois, Lenape/Delaware, Miami, Ottawa, Potawatomi, Shawnee, and Wyandot/Huron among many others. Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge [UK], 1991), pp. 441-68; Alan Taylor, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York, 2006), pp. 238-42, 259, 266-68, 293-94.
[573] Jay Gitlin, *The Bourgeois Frontier: French Towns, French Traders, and American Expansion* (New Haven, 2010), p. 52. For the development of Detroit under US governance, see Catherine Cangany, *Frontier Seaport: Detroit's Transformation into an Atlantic Entrepôt* (Chicago, 2014).

Fig. 9



William Faden, *The United States of North America, with the British territories*, 1793, Library of Congress, Washington, DC, Map Collection, G3300 1793.F3.

Fig. 10



Abraham Bradley, *Map of the United States*, 1796, Library of Congress, Washington, DC, Map Collection, G3700 1796.B72.

established until 1814.[574] Due to the near continuous revision to the directives concerning the ceded territory, westward movement was delayed. While small numbers of Americans had settled in Vincennes and American squatters had dispersed throughout the region since 1783, the first civilian US settlement in the Northwest, Marietta, was established only in 1788 – far away from both the French and squatter settlements. Despite the delays and false-starts, after the successful settlement of Marietta, President Washington remarked that '[n]o colony in America was ever settled under such favorable auspices as that which has just commenced'.[575]

Congress consciously modelled the region on the country's earlier British colonial governments. Notably, when drafting a precursor to the Northwest Ordinance – the Western Ordinance of 1784 – Thomas Jefferson envisioned the creation of six new 'colonies'.[576] Similarly, Timothy Bloodworth, a North Carolina delegate, described the working draft of the 1787 Ordinance as establishing 'a colonial government for the Western country'.[577] Admittedly, the word 'colony' can mean simply a planting or a new settlement and does not necessarily carry the connotation of a colonial relationship between centre and periphery. For example, Adam Smith in *Wealth of Nations* noted that the Latin *colōnia* signified 'simply a plantation' and the Greek *αποικια* signified 'a separation of dwelling, a departure from home, a going out of the house', both lacked the additional political meanings of conquest and rule over people.[578] James Monroe, however, stated that the US ought to establish 'a colonial government' in the west 'similar to that which prevail'd in these States previous to the

[574] Lucy Murphy, *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie du Chien, 1750-1860* (New York, 2014), p. 41.
[575] GW to Richard Henderson, 19 June 1788, *GW Papers*, CS, vol. 6, pp. 339-42.
[576] TJ, 'Bounds of Six Proposed Northwest Colonies', [1784], *TJ Papers*, vol. 6, p. 601.
[577] Timothy Bloodworth to Gov. Richard Caswell, 4 Sept. 1786, *LDC*, vol. 23, p. 550.
[578] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, vol. 3, (Philadelphia, 1789), book 4, ch. 7, p. 287.

revolution', indicating that the use of the word 'colony' to describe a US territory referred to a hierarchical power relationship rather than the classical Hellenic or Roman colony.[579] Most importantly, Bloodworth and Monroe's descriptions were given without criticism or negative judgement. Congress established a distinct republican model of colonisation but one which was still moulded by British imperial precedent.

The American Empire was based on a federative principle of a union of sister republics.[580] Abigail Adams remarked to her son-in-law in 1791 that '[t]he accession of Vermont and Kentucky are two additional pillars to the noble building; every circumstance has conspired to add dignity and glory to our rising empire'.[581] Similarly, in an address to Dartmouth College in June 1798 following the creation of the Mississippi Territory and the admission of the Southwest Territory as the State of Tennessee, President John Adams pronounced the United States to be 'the only really growing Empire in the World'.[582] While the American Empire was based on an idea of a union of republics, the territorial-colonial system resulted in two tiers to the American Empire: the Union of States and the dependencies. The Union of States through Congress served as the directing power over the Empire; the territories were highly dependent on this Union, replicating the centre-periphery relationship of Britain's empire. The western ordinances shifted the country from a purely federative to a colonial empire. William Goforth, one of the early members of the Northwest Territory's House of Representatives and the former American administrator of Trois-Rivières, remarked that 'we are a part of the Empire of the United States' just as 'the Colonies were then a part of the Empire of Great Britain'.[583]

---

[579] Monroe to TJ, 11 May 1786, *TJ Papers*, vol. 9, pp. 510-12.
[580] Onuf, *Jefferson's Empire*, p. 2; Malone and Rauch, *Empire for Liberty*, vol. 1, p. 211.
[581] Abigail Adams to William Stephens Smith, 16 Mar. 1791, *Adams Papers*, FC, vol. 9, pp. 203-05.
[582] JA to Dartmouth College, 12 June 1798, *A Selection of the Patriotic Addresses to the President of the United States Together with the President's Answers* (Boston, 1798), p. 27.
[583] Goforth to JA, 30 Dec. 1797, MHS, AP, P-54, reel 386, fo. XIX 126.

In 1780, Jefferson optimistically wrote that the capture of Detroit and the annexation of the west would 'add to the Empire of liberty an extensive and fertile Country'.[584] In 1786, John Adams similarly wrote to the Comte de Sarsfield that '[i]t has ever been my hobby horse, to see rising in America an Empire of Liberty & a Prospect of two or three hundred Millions of freemen, without one noble or one King – among them – You say it is impossible – If I should agree with you in this, I would still say let us try the experiment and preserve our equality as long as we can'.[585] Both Jefferson and Adams had grand visions of the United States as an empire which would be ruled with liberality and preserve the rights of man and free government. The ordinances governing the territories preserved these principles but delayed their enactment by first establishing a dependent, colonial government.

Julian Boyd, Dumas Malone, and Gordon Wood have held that 'the word "empire" as used by Thomas Jefferson' connoted 'no exploitation of subject regions on this continent or anywhere else' and was instead part of a 'vision of a better life'.[586] While Jefferson did use 'empire of liberty' to refer to a vision of a better life and a better government, the claim that his use of empire did not also lead to the subjugation of regions on the North American continent is contentious. In 1803, Jefferson instructed the territorial governor of Indiana, William Henry Harrison, to encourage the Indian nations to take up European forms of agriculture in order to get them to sell their land to the US. To promote this, Jefferson told Harrison to 'push our trading houses…to see the good & influential individuals among them run in debt because we observe that when these debts get beyond what the individuals can pay, they become willing to lop

[584] TJ to George Rogers Clark, 25 Dec. 1780, *TJ Papers*, vol. 4, pp. 233-38.
[585] JA to Comte de Sarsfield, 3 Feb. 1786, MHS, AP, P-54, reel 113, letter 23.
[586] Boyd, 'Thomas Jefferson's "Empire of Liberty"', p. 548; Malone and Rauch, *Empire for Liberty*, vol. 1, p. vii (quoted); Gordon Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford, 2009), p. 357.

th[em off] by a cession of lands'.[587] Nor was Jefferson alone in advocating such policies. In 1791, Timothy Pickering, US Commissioner to the Iroquois, urged the government to adopt a general policy of gift-giving with the Indians. Whereas the British and French had given trinkets, silver medals, clothing, or military commissions, Pickering wanted the US to give gifts of farm tools and cattle. With the introduction of husbandry and European agriculture, Indian tribes, Pickering argued, 'will find their extensive hunting grounds unnecessary; and will then readily listen to a proposition to sell a part of them' in exchange for more tools.[588]

The Western Ordinance of 1784

Less than two months after ratifying the Treaty of Paris, Congress – then sitting in Annapolis – began debating plans for the western territory. On 1 March 1784, a committee composed of Thomas Jefferson, Jeremiah Townley Chase of Maryland, and David Howell of Rhode Island submitted their preliminary plans for establishing a temporary government in the west.[589] After a month of debate, the revised ordinance[590] was adopted in late April. The Western Ordinance of 1784 divided the British cession into ten territories and outlined three phases they would undergo on their path to full statehood. In the initial phase, the first settlers would adopt the constitution and laws of one of the original states and form a provisional government. The second phase would begin when a territory reached 20,000 free inhabitants, after which the settlers would

[587] TJ to William Henry Harrison, 27 Feb. 1803, *TJ Papers*, vol. 39, pp. 589-93; Robert Owens, 'Jeffersonian Benevolence of the Ground: The Indian Land Cession Treaties of William Henry Harrison', *JER*, vol. 22, no. 3 (2002), pp. 405-35.
[588] Pickering to GW, 8 Jan. 1791, *GW Papers*, PS, vol. 7, pp. 204-07; Taylor, *Divided Ground*, p. 239.
[589] *JCC*, vol. 26, p. 118; Report on Temporary Government of Western Country, [c. 1 Mar. 1784], *TJ Papers*, vol. 6, pp. 603-07. Although TJ has been widely credited with writing the draft predominantly himself, Robert Berkhofer has proven that TJ's role in the 1784 Ordinance has been overstated, see, Berkhofer 'Jefferson, the Ordinance of 1784, and the Origins of the American Territorial System', *WMQ*, vol. 29, no. 2 (1972), pp. 231, 241-42, 254.
[590] Richard McCormick has argued that provision passed by Congress in 1784 was not an ordinance. I have opted to refer to it as an ordinance given that it has been called that by many historians and it is the name by which it is most commonly known, see McCormick, 'The "Ordinance" of 1784?', *WMQ*, vol. 50, no. 1 (1993), pp. 112-22.

frame a permanent constitution and permanent government which represented their local circumstances.[591] Each territory would continue under its final state government but remain outside the Union until reaching the same population of the least populous state in the Union and following a vote of Congress.

By stipulating that the territories adopt the constitution of an existing member of the Union, Congress ensured there would be an elected assembly and some kind of locally sourced executive. In the 1780s, the constitutions of the individual states varied greatly from each other. Some had popularly elected governors and bicameral legislatures, others were unicameral; some were governed by a privy council and others by a state president. Pennsylvania, for example, had a unicameral legislature and the state was governed by a Supreme Executive Council and the Council President until 1790. Delaware's 1776 constitution established a bicameral legislature with executive power held by a privy council appointed by both houses of the Assembly. The first constitution of Maryland provided for a bicameral legislature, a directly elected House of Delegates, which would in turn elect the Senate, and which together elected the Governor.

The delegates provided a model of colonial government, but one which would have been more along the lines of the English corporate colonies of Connecticut and Rhode Island which maintained a high degree of autonomy. Under their charters, the freemen of the colony chose their governor, councillors, and assemblymen. Unlike every other state, Rhode Island and Connecticut did not draft new constitutions after the Declaration of Independence. Connecticut continued to use its 1662 Royal charter until 1818 and Rhode Island continued under its 1663 charter until 1843.[592] It is also

[591] *JCC*, vol. 26, p. 276.
[592] By 1775 the only colonies which were still organised under Royal charters were Massachusetts Bay, Connecticut, Rhode Island, Pennsylvania, and Maryland; Jack Greene, *Negotiated Authorities: Essays in Colonial Political and Constitutional History* (Charlottesville, 1994), p. 34.

significant that when the independent Vermont Republic sought to join the British Empire as a new colony in the 1780s, its leaders lobbied for a charter modelled on Connecticut's because of its perceived liberties.[593] Under the Ordinance of 1784, the western settlers would be free to choose their temporary government, its members, and to an extent its structure. The role of Congress was to be largely hands-off. Congress was not assuming financial or administrative responsibility for any of the new territories; territorial officials would be funded from within the district and chosen by the settlers. Each territory was more or less free to legislate on all matters so long as that legislation was not repugnant to the Articles of Confederation.[594] Additionally, each territory was granted 'a member in Congress, with a right of debating, but not of voting'.[595] The structure was, nonetheless, colonial in that the territories would be subject to all the acts and ordinances issued by Congress while having no ability to vote for or against them.[596]

The Western Land Ordinance of 1785

Given the importance of the sale of western land to the resolution of the national debt, the 1784 Ordinance was remarkably silent on the value of territorial land. It also did little to address the physical organisation of the territory beyond the proposed state borders; it organised no counties, towns, or individual plots. On 20 May 1785, Congress, now established in New York City, passed the Western Land Ordinance to resolve the ambiguities of the 1784 legislation. The Land Ordinance did not repeal the earlier legislation but outlined an organised plan of settlement and established the value of federal lands to augment it. Much of the Western Land Ordinance also speaks to

[593] Peter Onuf, 'State-Making in Revolutionary America: Independent Vermont as a Case Study', *JAH,* vol. 67, no. 4 (1981), p. 805.
[594] George van Cleve, *A Slaveholders' Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago, 2010), p. 155.
[595] *JCC*, vol. 26, p. 278.
[596] Ibid., pp. 276-77.

Rhode Island delegate David Howell's vision of the western territory as 'a source of future population and strength', an ideological bulwark, and 'a guaranty of our independence. As its inhabitants will be mostly cultivators of the soil, republicanism looks to them as guardians'.[597]

The most influential voice on the geographical structure of the Land Ordinance was not a member of Congress. In the spring of 1785, Timothy Pickering – now just a private citizen – wrote to two of his state's delegates in Congress, Elbridge Gerry and Rufus King, arguing that Congress's existing provisions would result in 'dispersed, ungovernable settlements' and urged the government to adopt a more regular and structured plan than the one in the 1784 Ordinance. In his correspondence with King, a member of the drafting committee responsible for the Land Ordinance, Pickering proposed 'surveying a district or districts for a State or States, dividing the same into counties & townships, and then selling those townships at public auction'.[598] King recognised Pickering's influence on the final form of the Ordinance, and wrote to inform him that 'your ideas' on the division of land 'have had weight with the committee'.[599] As a result of Pickering's intervention, the Land Ordinance dictated that the territory was to be surveyed and divided according to a grid system of townships of six square miles. Each town plat was further subdivided into lots of one square mile and the legislation further dictated that in every town one lot must be reserved 'for the maintenance of public schools'.[600] The west was to be a nursery for future republicans. The provisions for common education were intended to promote and preserve proper

[597] David Howell to Jonathan Arnold, 21 Feb. 1784, *LDC*, vol. 21, p. 382.
[598] Pickering to Elbridge Gerry, 1 Mar. 1785, MHS, Pickering Papers, MS N-708, reel 5, fo. 347½; Pickering to RK, 8 Mar. 1785, MHS, Pickering Papers, MS N-708, reel 5, ff. 349A-350.
[599] RK to Pickering, 15 Apr. 1785, MHS, Pickering Papers, MS N-708, reel 18, fo. 226.
[600] *JCC*, vol. 28, p. 378.

ideas of government and society and work to civilise the western settlers and prevent their social and political degradation.

The plat-grid system ensured the west would be settled along a New England model – the region would be divided into contiguous townships populated by farmers with medium sized plots rather than large plantations conducive to distant communities. The creation of townships also worked towards fulfilling the image of the west as a cradle for republicanism. The organisation of townships and the plat system worked to regulate landownership and promote small landholders who were seen as the backbone of a republic and 'the most precious part of a state'.[601] A township had less autonomy than a New England town; nonetheless, the structure provided a form of local government. In most territories the county rather than the township was the basic unit of local government.[602] In the Northwest, the Court of Quarter Sessions was the most important local body; its justices functioned like county commissioners and oversaw local taxation, the laying of public highways, established township boundaries, and appointed township officers.[603] The organisation into townships also facilitated eastern orientation through the development of local markets.[604] Furthermore, delegates like William Grayson of Virginia hoped the township system and the promised support of education and religion would act as 'an inducement for neighbourhoods' in the east 'to confederate for the purpose of purchasing and settling together' in the territory.[605]

Congress also set the value of western land, barring sales 'under the price of one dollar the acre'.[606] Peter Onuf contends that the cost of federal land set by the ordinance

[601] TJ to Madison, 28 Oct. 1785, *TJ Papers*, vol. 8, pp. 681-83.
[602] Eblen, p. 116.
[603] Andrew Cayton, *The Frontier Republic: Ideology and Politics in the Ohio Country, 1780-1825* (Kent [OH], 1986), pp. 27-28.
[604] Peter Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington, 1987), pp. 30-39.
[605] William Grayson to GW, 15 Apr. 1785, *LDC*, vol. 22, p. 340.
[606] *JCC*, vol. 28, p. 378.

acted to 'block out poor, lazy squatters' with the intention of attracting 'industrious settlers determined to recoup their investment by developing their property and finding markets for their products'. To this end, Congress doubled the value of federal land in 1796 further pricing out poorer men and women from settling in the territory.[607] The US government had a vested interest in keeping the price of land in the Northwest Territory high in order to raise revenue to fund the national debt. As a result, Congress inadvertently created problems for itself. The British, who were attempting to settle the new colony of Upper Canada on the adjacent banks of the Great Lakes, intentionally kept prices low and heavily subsidised the cost of land. Cheap prices drove Americans north where they could receive 200 acres of land per family for 6d an acre (the equivalent of 11 cents) compared to the $1 to $3 an acre charged by the US in the Northwest.[608] Security was a contributing factor as well. British relations with the Indians were more stable and peaceful at a time when the Northwest Territory was in a constant state of war with the Indian Confederacy. Alan Taylor estimates that around 500 families arrived in Upper Canada annually from the United States between 1792 and 1812, and historian Fred Landon described Upper Canada as 'essentially an American community under British law and British government'.[609]

Upper Canada was envisioned as a British cultural counterweight to the *Québécois* and a political bulwark to American republicanism. British officials intentionally sought to entice American settlers who would bring the English language and British cultural traditions while also weakening the fledgling American Union.[610]

---

[607] 1 Stat. 464 (1796); Patrick Griffin, *American Leviathan: Empire, Nation, and Revolutionary Frontier* (New York, 2007), pp. 256-57.
[608] Alan Taylor, 'The Late Loyalists: Northern Reflections of the Early American Republic', *JER*, vol. 27, no. 1 (2007), p. 6. According to *Bailey's Pocket Almanac* for 1791, a British crown (a value of 5/- or 60d) was worth $1.11; 6d is therefore worth roughly 11 US cents.
[609] Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York, 2010), p. 56; Fred Landon, *Western Ontario and the American Frontier* (Toronto, 1967), p. 2.
[610] Tidridge, pp. 81, 91-95.

Despite being euphemistically termed the 'Late Loyalists', Taylor notes that these migrants 'lacked ideological commitment to either the [British] empire or the [American] republic. Neither good royalists nor republican vipers, most were bargain hunters'.[611] While Upper Canada was granted an elected assembly in the 1791 Canada Act, the Northwest Territory would remain without elected representation for eleven years. Despite having an elected assembly, Upper Canada was politically restrictive and the aristocratic and repressive provisions of the Canada Act sparked rebellion in 1837.[612] The decision to emigrate was largely an economic not a political one; cheap land was the main attraction.[613]

The Northwest Ordinance of 1787

In the summer of 1787, Congress moved to scrap the Western Ordinance of 1784 in favour of an entirely new system. No land sales or sanctioned emigration occurred in the three years the 1784 Ordinance had been in effect. The Northwest Ordinance came about in large part due to a pending land purchase by the Ohio Company of Associates. In a letter to Rufus King, Nathan Dane explained that '[w]e found ourselves rather pressed, the Ohio Company appeared to purchase a large tract of the federal lands, about 6 or 7 million of acres – ; and we wanted to abolish the old system and get a better one for the Government of the Country'.[614] The Northwest Ordinance was drafted in committee by Edward Carrington (Virginia), Nathan Dane (Massachusetts), John Kean (South Carolina), Richard Henry Lee (Virginia), and Melancton Smith (New York). While Dane is recognised as the primary author of the Ordinance, some provisions were the result of the influence of Manasseh Cutler, one of

[611] Taylor, *Civil War*, pp. 8, 57-58.
[612] 31 Geo. III c. 31; Landon, pp. 9-10.
[613] Landon, pp. 2, 16.
[614] Nathan Dane to RK, 16 July 1787, *LDC*, vol. 24, p. 359.

the directors of the Ohio Company.[615] The 1787 Ordinance established a revised set of discrete phases in the development of the territory.

The prospective settlers Congress hoped to attract wanted a competent form of government in the territory before they would risk moving. Few were willing to leave a life behind in the east to move to a region with little to no political organisation and no clear promise of protection or guarantee of rights. Without strong promises, Congress would be unable to entice buyers. The idea of having ten territories simultaneously was scrapped in favour of having a single government over the entire region to be broken as population growth demanded. While the ability to choose your own government as set out in the 1784 Ordinance may have been appealing in theory, people were unnerved by the state of anarchy and the lack of meaningful assurances to protect their property and person, no matter how temporary. The same concerns were present in the early English settlement of North America and in most instances the King-in-Council issued a colonial charter establishing a framework of government and appointed a governor before any permanent settlements were built. The Northwest Ordinance resembles, to a certain extent, a colonial charter.[616] This was not lost on the settlers in the Northwest, and the Governor of the Territory described the Ordinance of 1787 as 'unquestionably the…charter of this colony'.[617]

---

[615] The role Manasseh Cutler and the Ohio Company had over the provisions of the Northwest Ordinance is disputed by historians, but it is clear that the Ordinance came about in part because of pressure coming from the Ohio Company's land purchase, see William Frederick Poole, 'Dr. Cutler and the Ordinance of 1787', *North American Review*, vol. 122, no. 251 (1876), pp. 246-63; Eblen, pp. 18-37; Onuf, *Statehood*, p. 58.

[616] Many documents commonly referred to as colonial "charters" were actually letters patent; charters were more formal than letters patent and were granted in perpetuity. After 1660, colonists typically referred to these documents as charters irrespective of whether they were letters patent or a formal charter; see Mary Sarah Bilder, 'English Settlement and Local Government' in Michael Grossberg and Christopher Tomlins (eds.), *Cambridge History of Law in America*, vol. 1, (Cambridge [UK], 2008), p. 66.

[617] *Centinel of the North-Western Territory*, [Cincinnati], 4 July 1795; see also, AStC to Samuel Holden Parsons and James Mitchell Varnum, 7 Aug. 1788, NARA-II, RG 59, TP: NWT, M470, reel 1, (vol. 1a), fo. 26.

Although Jack Eblen argues Congress established a colonial system 'decidedly more authoritarian than that of the British', the delegates followed British models fairly closely.[618] British colonial charters established the relationship between imperial centre and colonial periphery, outlined the power and authority of the provincial government (governor, assembly, council), and created legal jurisdiction for colonies (law and courts). Christopher Tomlins has emphasised that colonial charters created the jurisdictional and governmental structures which 'established the actual conditions and effects of mobility and settlement, influencing who might go where, and who might own what (and whom) and on what terms'.[619] The charters of the seventeenth century established the legal status of colonial immigrants; most contained clauses guaranteeing that the original migrants and their offspring 'shall have and enjoy all Libertyes and Immunities of Free and naturall Subjects'.[620] Much like these charters, the Northwest Ordinance dictated the form of government, the relationship between centre and periphery, and established a basic set of rights and a basis of law. The Ordinance established a legal framework for the territory and guaranteed the basic rights of citizenship, declaring that the inhabitants 'shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by Jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law' and that '[n]o man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land'.[621] While emphasising protections for private property, the Ordinance also reinforced public ownership of the territory by reserving a third of all gold, silver, lead, and copper mined in the territory for Congress,

[618] Eblen, p. 42.
[619] Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge [UK], 2010), pp. 70-89.
[620] Ibid., p. 82; 1691 Massachusetts Bay charter (quoted), similar language is used in the 1611 Virginia charter and the 1663 Rhode Island charter.
[621] *JCC*, vol. 32, p. 340.

resembling the Crown's claim to 'a fifth part of the Oar [*sic*] of Gold and Silver' found in seventeenth-century colonial charters.[622]

The Ohio Company played a significant role in organising the early settlement of the territory. The Ohio Company was a chartered corporation but was not like the English colonial corporations; its charter was not issued by the national government and it had no legal right to govern. While the company lacked a formal legal monopoly on governing, Congress appointed company officers to prominent positions within the territorial government. The first territorial judges, James Mitchell Varnum and Samuel Holden Parsons, were directors of the company, and the company secretary, Winthrop Sargent, was the first secretary of the territory.

The Northwest Ordinance utilised two extremes of British colonial structure at various stages in the life of the territory. In the first phase, the territory was under a restrictive top-down government in which the imperial centre – the President and the Senate – appointed the governor and a set of three judges who were to act together as the sole legislative body. Ironically, it was the same form of governance which led to American outrage at the Quebec Act: the denial of a representative assembly and the unmoderated arbitrary rule of a governor and his advisors appointed by the imperial government. In the Northwest, this was mitigated by the fact that arbitrary rule would be temporary and the territory would receive an elected lower house once reaching a set population. In the second phase, the Ordinance followed a fairly conventional Crown colony model; the territory retained the centrally appointed governor but gained a General Assembly with a popularly elected lower chamber. As in most Crown colonies, the upper chamber was an appointed Legislative Council. However, whereas

[622] Ibid., vol. 28, pp. 378, 379; quotation from the 1691 charter of Massachusetts Bay, see also the 1611 charter of Virginia and the 1663 charter of Rhode Island.

the Quebec Act did nothing to establish local government which would have introduced the *Québécois* to self-governance, the US made provisions with the intention of easing the territory into self-government through county Quarter Sessions.[623] Exclusion from the national legislature was softened by the election of a non-voting delegate to the federal House of Representatives and the overall subordinate status was made more palatable by the promise of being admitted as a full member of the Union. While borrowing the structures of a British colony, the American territories were not a full recreation of a British province. Colonialism under the American system was inherently temporary and intended to be developmental; its purpose was to prepare a region for full and equal admission to the Union.

British imperial officials recognised there would eventually need to be a change in the relationship between the Mother Country and the colonies as settlements grew and matured. In the eighteenth century this, however, remained an abstraction saved for an undetermined time in the future – and what that status would be was poorly defined.[624] For many Americans this had been one of the greatest flaws in the British Empire. Eliga Gould has contended that following their defeat in the Revolutionary War, the British '[n]ever again would…think of any part of their empire as an extension of their own nation'.[625] When Monroe proposed modelling the territorial system on Britain's colonial governments, he added the caveat that Americans would do this with the 'remarkable and important difference that when such districts shall contain the number of the least numerous of the 13 original States for the time being they shall be admitted into the confederacy'.[626] Although it erected a colonial government, the

[623] Coupland, p. 112.
[624] J.M. Bumsted, '"Things in the Womb of Time": Ideas of American Independence, 1633 to 1763', *WMQ*, vol. 31, no. 4 (1974), p. 535.
[625] Gould, *Persistence of Empire*, p. 214.
[626] Monroe to TJ, 11 May 1786, *TJ Papers*, vol. 9, pp. 510-12.

Northwest Ordinance and the earlier 1784 Ordinance established that the system the documents created were to be temporary. In a major shift from the British system, the 1787 Northwest Ordinance guaranteed the territorial colonies statehood and full and equal admission to the Union after meeting a set of explicit guidelines. The Ordinance thus served as a promise to future settlers and a model for imperial expansion. Americans continued to maintain an inclusive notion of empire with their own territories until the acquisition of Puerto Rico, Guam, and the Philippine Islands in the 1890s.

STAGE ONE

The Northwest Ordinance established a much more restrictive government than its predecessor. During the new first phase of territorial development, the territorial government consisted entirely of appointed officials; there was no degree of representation. The President with the approval of the Senate appointed the governor, the secretary, and a court of three judges. The governor was also vested with the authority to 'appoint such magistrates and other civil officers in each county or township, as he shall find necessary'.[627] This was not the first time Congress had advocated establishing a territorial government by appointment. In 1784, Jacob Read of South Carolina proposed an amendment to the Western Ordinance placing the territory under congressionally appointed magistrates and officers. Notably, Read's measure was backed by Thomas Jefferson.[628] In 1786, James Monroe similarly proposed erecting the territorial government 'upon Colonial principles, under a governor, council and judges of the US'.[629]

[627] *JCC*, vol. 32, p. 336.
[628] Ibid., vol. 26, p. 259.
[629] Monroe to JJ, 20 Apr. 1786, *LDC*, vol. 23, p. 246.

In stark contrast to any of the state governments, the first phase of territorial government under the Northwest Ordinance fused the executive and judicial branches with the legislature. The governor and judges together formed a legislative body which was empowered to 'adopt…such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district…until the organization of the General Assembly'.[630] Laws created by the judicio-legislators and the governor were to be reported 'to Congress from time to time' and would remain in force 'unless disapproved of by Congress'.[631] Congressional review of territorial law resembles the provisions in the charters of several British American colonies which required provincial statute law to be reviewed by His Majesty's Privy Council in London.[632] Jefferson defended the ability of the federal government to invalidate territorial statute on the grounds that 'it is the duty of the General government to guard it's subordinate members'.[633] The Ordinance also stipulated that the territory was subject 'to all the Acts and Ordinances of the United States in Congress Assembled'.[634] The Constitution subsequently affirmed Congress had the power to 'make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States'.[635] Through these clauses, Congress asserted its legislative supremacy over the territorial dependencies, effectively mimicking Parliament's claim in the American

[630] *JCC*, vol. 32, p. 336. In the Northwest, the Governor and Judges predominantly drew on statutes from Pennsylvania and to a lesser extent Massachusetts; William Blume, 'Legislation on the American Frontier: Adoption of Laws by Governor and Judges: Northwest Territory 1788-1798; Indiana Territory 1800-1804; Michigan Territory 1805-1823', *Michigan Law Review*, vol. 60, no. 3 (1962), p. 334. For more on territorial law-making see, William Jenks, 'Territorial Legislation by Governor and Judges', *MVHR*, vol. 5, no. 1 (1918), pp. 37-41.
[631] *JCC*, vol. 32, p. 336.
[632] Dudley Odell McGovney, 'The British Privy Council's Power to Restrain the Legislatures of Colonial America: Power to Disallow Statutes: Power to Veto', *University of Pennsylvania Law Review*, vol. 94, no. 1 (1945), pp. 59-93.
[633] TJ, Memo Concerning the Governor of the NWT, 14 Dec. 1790, IHS, NWT Collection, M367, box 1, fold. 32.
[634] *JCC*, vol. 32, p. 341.
[635] US Const. Art. IV, Sect. 3, Clause 2.

Declaratory Act to have 'full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America...in all cases whatsoever'.[636]

British governors sent reports to the Secretary of State for the Colonies which covered the general state of affairs of the province: the sentiments of the colonists, activities of the legislature, provincial finances, and trade.[637] The Governor of the Northwest Territory was required to submit similar reports to the President every six months which the Territorial Secretary supplemented with copies of executive records, the proceedings of the legislature, and other public records.[638] No state governor was required to send similar reports, highlighting the territory's subordinance to the federal government.

STAGE TWO

The territory transitioned to phase two once reaching a population of 'five thousand free male inhabitants of full age' after which it was granted an elective assembly. The Territorial Assembly consisted of the Governor, the Legislative Council, and the House of Representatives. The Ordinance imposed property restrictions on the electoral franchise. In order to have the right to vote for a member to the territorial House of Representatives, a man needed to own 50 acres of land and have 'been a citizen of one of the states' or have resided in the territory for two years. However, at the time every state except Pennsylvania had property restrictions for voting.[639] While popular government was granted to the territory after reaching a requisite population, the federal government retained significant control over the territory. The upper house

[636] 6 Geo. III c. 12.
[637] Leonard Labaree, *Royal Government in America: A Study of the British Colonial System Before 1783* (New Haven, 1930), pp. 27-8.
[638] *JCC*, vol. 32, p. 336; 1 Stat. 52-53 (1789).
[639] *JCC*, vol. 32, pp. 338-39.

was unelected and strongly resembled the provincial councils of British Crown colonies. Just as the King had appointed the members of the provincial councils on the recommendation of the governor, the President appointed the members of the Legislative Council from a list of nominees compiled by the governor and the territorial House of Representatives.[640] The Ordinance restricted council membership to individuals who owned a minimum of 500 acres. All bills had to pass a majority in both the House and the Council and receive the assent of the Governor to become law. The presidentially appointed governor had the power to convene, prorogue, and dissolve the Assembly and wielded a veto on legislation. Although some state governors had the power to prorogue and dissolve the assembly, these governors were elected by the people either directly or indirectly through the legislature. Furthermore, the governor received his salary from the federal government, not the territory. This freed him from the influence of the territorial assembly which otherwise could refuse to pay him in order to exact concessions. In the 1760s, British proposals to have colonial governors receive their salary directly from the Crown sparked outrage in America because of the loss of the elected assembly's leverage over Royal governors, especially following the Townshend Duties.[641] Likewise, the congressional address to the people of Ireland and the Declaration of Independence complained that the King had made 'Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their

[640] This is a generalisation and the system varied by province; e.g., Massachusetts Bay was a Crown colony but elected the members of its Council until that power was revoked by Parliament in 1774. In corporate colonies, the governor and council were popularly elected. For the role of the governor in the selection of the council, see Labaree, pp. 135-37.

[641] Labaree, pp. 350-72. Massachusetts Bay sent a circular letter to the other colonial assemblies in 1768 asking 'whether any people can be said to enjoy any degree of freedom if the Crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend as it may judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the Crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject', *Journals of the House of Representatives of Massachusetts*, vol. 44, (Boston, 1975), p. 238.

salaries'.[642] The decision to make the territorial governor free from financial coercion was probably rooted in the difficulty of raising revenue in a territory with a small population, but nonetheless reflects the governor's position as a representative of federal not local power.

The territorial Council and the House were empowered to jointly elect a delegate 'who shall have a seat in Congress, with a right of debating but not voting during this temporary government'.[643] The non-voting delegate offered a modicum of representation in federal proceedings and ingeniously struck a midway between the unofficial provincial agents who lobbied the House of Commons and full membership in the federal House of Representatives. While he could not vote, he could influence proceedings and he, unlike his provincial predecessor, had legal standing. When the Ordinance was passed in 1787 the US was still governed by the Articles of Confederation under which Congress was unicameral and composed of officers called delegates. Following the adoption of the Constitution, the Northwest Ordinance was lightly amended and reissued to bring it in line with the structure of the new government, the only substantial change being that the power of appointment and removal of territorial officers was granted to the President with the approval of the Senate.[644]

The language of the 1784 Ordinance ('keep a member in Congress') and the 1787 Ordinance ('a delegate to Congress') suggest that the initial intention had been to give the territories officers who were members of Congress in line with the states with the exception of voting. Under the Constitution, Congress was bicameral and there was no longer an office of delegate; a matter which was not fixed in the 1789 re-issuance.

[642] Quotation from the address to Ireland, *JCC*, vol. 2, p. 214.
[643] *JCC*, vol. 32, p. 339.
[644] 1 Stat. 53 (1789).

The oversight in not revising this language in the 1789 re-issue enabled the House of Representatives to clawback the status of the territorial officer. The issue came to a head in 1794 when James White was chosen as the delegate for the Southwest Territory. Federalist Zephaniah Swift of Connecticut objected to the US government paying James White's salary: 'Congress already pay a sum for the government of that country, under the idea of its being a colony. Then why should the United States pay this person, delegate, or call him what you will, for his attendance?' Swift went even further, arguing it 'is a mere farce to have such a person. It is totally unnecessary that such a character as this person should exist'.[645] During the debate over White's status, Democratic-Republican congressman William Smith of South Carolina argued a territorial delegate 'was not a member' and was 'no more than an envoy to Congress', a view which was widely held.[646] The delegate was now merely a guest from a US territory; his opinions were considered unnecessary and non-binding.

STAGE THREE

The Ordinance guaranteed a territory would be admitted 'on an equal footing with the original States in all respects'; the third stage marked the beginning of the transition to statehood.[647] The third stage began after the territory reached a population of 60,000 free inhabitants, a substantially higher figure than the 20,000 bar set in 1784. Despite this increase, Nathan Dane still remarked that the requisite population 'for the admission of a new State into the Confederacy is too small'.[648] To put this figure in context, the three least populous states in 1790 were Rhode Island with a total free

[645] *Philadelphia Gazette*, 26 Nov. 1794.
[646] *Annals of Congress*, HR, 3rd Cong., 2nd Sess., p. 889.
[647] *JCC*, vol. 32, p. 339.
[648] Dane to RK, 16 July 1787, *LDC*, vol. 24, p. 359.

population of 67,877, Georgia with 54,284, and Delaware with 50,207.[649] After certifying the territorial population, Congress would then pass an enabling act authorising the territory to call a constitutional convention to draw up a permanent state government provided 'the constitution and government so to be formed, shall be republican'.[650] In the elevation to statehood, a territory gained in a sense its independence; it was admitted as a full and equal member of the Union of States and gained representation in both houses of Congress. The President and Senate no longer had the ability to appoint its officials. The adoption of a state constitution by a convention of citizens further shifted the power dynamic from top-down (Congress-territory) to bottom-up (citizen-state).

Stadial Theory

The decision to create a colonial government in the west was rooted in part in America's experience under the British Empire and indicative of how wed the new republic was to themes of imperialism. This was also heavily influenced by stadial theory and the recognition that rule of law and structure had to be imposed on the region in order to attract those whom the government deemed the "right" kind of settler. Stadial theory – an idea made popular by Scottish Enlightenment thinkers like Francis Hutcheson, Adam Ferguson, and William Robertson – held that societies moved through various stages of development and complexity, from a "simplistic" and "savage" hunter-gatherer community to an "advanced" commercial society.[651] As a society progressed from one stage to the next, the moral values and manners of the

[649] These figures were reached by subtracting the enslaved state population from the total enumerated state population; *Return of the Whole Number of Persons within the Several Districts of the United States* (Philadelphia, 1793).
[650] *JCC*, vol. 32, p. 342.
[651] Francis Hutcheson, *Introduction to Moral Philosophy* (Glasgow, 1747); Adam Ferguson, *An Essay on the History of Civil Society* (Edinburgh, 1767); William Robertson, *History of America* (London, 1777).

people changed to reflect their newfound level of sophistication and civility. In the American context, stadial theory was initially used to explain and justify the perceived backwardness of the Indians and the belief that they could be moulded into good Englishmen. Rather than inherent and immutable inferiority, "savage" peoples could be raised up from their state of nature and made into good, civilised, Anglo-American citizens.[652] However, by the 1780s there was a growing belief that Indians were an "irredeemable" nuisance incapable of being assimilated and the Indian increasingly 'stood for savagery, the antithesis of civilization'.[653]

With respect to the Northwest Territory, the theory was used to argue that when a white settler removed to the backcountry, he and the society around him reverted to an earlier rung on the stadial ladder. Benjamin Rush – an alumnus of the University of Edinburgh, a former Pennsylvania delegate, and an increasingly influential moral philosopher and social reformer – argued in a 1787 essay that there 'are certain regular stages which mark the progress from the Savage to Civilized life. The first settler is nearly related to an Indian in his manners – In the second, the Indian manners are more diluted: It is in the third species of settlers only, that we behold civilization completed'.[654]

The first US citizens who moved into the western territory were squatters, individuals who settled on land they had no legal claim to ownership, frustrating the attempts of Congress to use the west as a means to raise revenue in the face of its inability to tax.[655] Under his own stadial construction, Rush argued that the '*first* settler

[652] Ronald Meek, *Social Science and the Ignoble Savage* (Cambridge [UK], 1983); for a concise discussion of stadial theory see Griffin, *American Leviathan*, pp. 29-34; 254-56.
[653] Bernard Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (Chapel Hill, 1973), p. 6.
[654] Benjamin Rush, 'An Account of the Progress of Population, Agriculture, Manners, and Government in Pennsylvania' in *Essays Literary, Moral, Philosophical* (Philadelphia, 1798), p. 221. This essay was originally published in 1787 and reprinted in Rush's collection of essays in 1798.
[655] For more on squatters see, Cayton, *Frontier Republic*, pp. 6-11; Onuf, *Statehood*, pp. 28-33, 36-39.

in the woods' was typically a man of low repute 'who has outlived his credit or fortune in the cultivated parts of the State'.[656] Living 'in the neighbourhood of Indians, he soon acquires a strong tincture of their manners', comes to 'lov[e] spirituous liquors, and he eats, drinks, and sleeps in dirt and rags in his little cabin'. He is forever transient and continues moving further west as settlements and society crop up around him.[657] Rush held that it was only the third class of settler which may be 'viewed as a conqueror. The weapons with which he atchieves his conquests, are the implements of husbandry: and the virtues which direct them are industry and œconomy'.[658] Taming the land, making it valuable through agriculture, was essential to solidify a claim to the land and make a region not only sustainable but a contributor to the wealth of the nation.

In a letter to James Madison after Monroe's 1786 alterations to the Ordinance of 1784, Jefferson complained that by making the new states 'fewer and larger' Congress was 'reversing the natural order of things'. Jefferson argued that while a 'tractable people may be governed in large bodies…as they depart from this character, the extent of their government must be less. We see into what small divisions the Indians are obliged to reduce their societies'.[659] Adhering to this stadial logic, Jefferson saw the early settlers as regressing into an unruly and recalcitrant people. Smaller polities were 'the only way in which they can exist as a regular society. Considering the American character in general, that of those people particularly, and the inergetic nature of our governments, a state of such extent as 160,000 square miles would soon crumble into little ones'.[660]

---

[656] Rush, *Progress*, p. 213.
[657] Ibid., p. 214.
[658] Ibid., p. 225.
[659] TJ to Madison, 16 Dec. 1786, *TJ Papers*, vol. 10, pp. 602-06.
[660] TJ to Monroe, 9 July 1786, ibid., p. 112.

The negative Indian-frontiersman comparison was a common paradigm in American thought in the late-eighteenth century.[661] Jefferson and Rush were not alone in the belief that western settlers would revert to a primitive state on the stadial ladder and join with the Indians. James Sullivan, a prominent lawyer and subsequent Governor of Massachusetts, wrote to John Adams in 1786 that the Commonwealth was 'in fact glad' to have ceded its western claims to Congress 'because the Country is too remote to Governed by us and if we Colonized [it] they would soon unite with the Wyoming people & revolt'.[662] In the same year, John Jay described the predominantly squatter population as 'white Savages' with the potential to 'become more formidable to us than the tawny ones'.[663] Timothy Pickering denounced the frontier squatters as 'the least worthy Subjects in the United States. They are little less savage than the Indians'.[664] Arthur St Clair similarly complained that '[t]hough we hear much of the Injuries and depredations that are committed by the Indians upon the Whites, there is too much reason to believe that at least equal if not greater Injustices are done to the Indians by the frontier settlers'.[665]

Three days before the passage of the Northwest Ordinance, Henry Knox, the Secretary at War, delivered a report on Indian hostilities in which he warned 'the whole western territory is liable to be wrested out of the hands of the Union by lawless adventurers, or by the savages whose imperfect perceptions render them unable to distinguish between' unruly squatters 'and the regular authority of the United States'. Knox believed the only way to ensure peace was for the government to 'keep them both

[661] Robert Berkhofer, 'The Northwest Ordinance and the Principle of Territorial Evolution' in John Bloom (ed.), *The American Territorial System* (Athens [OH], 1973), p. 50.
[662] James Sullivan to JA, 16 Dec. 1786, MHS, AP, P-54, reel 369, fo. XV 157.
[663] JJ to TJ, 14 Dec. 1786, *TJ Papers*, vol. 10, pp. 596-99.
[664] Pickering to RK, 4 June 1785, MHS, Pickering Papers, MS N-708, reel 5, fo. 364.
[665] AStC to Henry Knox, 27 Jan. 1788, *The St. Clair Papers: The Life and Public Services of Arthur St. Clair*, vol. 2, ed. William Henry Smith, (Cincinnati, 1882), p. 41.

in awe by a strong hand, and compel them to be moderate and just'.[666] Indeed, writing soon after the Ordinance's passage, Richard Henry Lee, a member of the drafting committee, explained that the Northwest Ordinance established a restrictive, 'strong toned government' in the territory because the greater part of those who moved out west were considered to be a 'licentious people'.[667]

Republican Education

Article III of the Northwest Ordinance reaffirmed the moralising mission of the 1785 Land Ordinance and the region's idealised role as a republican nursery: 'Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged'.[668] These provisions were closely linked to the belief in Stadial Theory. Good education would inculcate the important principles of liberty and republicanism as well as civilise the squatter population and ready the territory for admission to the Union of States. Although religion was included in the list of things necessary for civility, neither the Northwest Ordinance nor the Land Ordinance set aside land for or actively aided the establishment of churches. Religion was seen as a moralising force and thus part of the process of taming the west, but was not to be managed by the government.

Timothy Pickering is likely the progenitor of the educational provisions of the territorial ordinances. In his correspondence with Rufus King in 1785, Pickering criticised Congress for the fact that no provisions had been 'made for ministers of the Gospel, nor even for schools and academies'.[669] Pickering wrote a short treatise on education in 'a new country, where the Inhabitants are thinly settled' which was likely drawn up as part of his recommendation to Rufus King and Congress that the 1785

[666] *JCC*, vol. 32, pp. 329-28.
[667] RHL to GW, 15 July 1787, *GW Papers*, CS, vol. 5, pp. 258-60.
[668] *JCC*, vol. 32, p. 340.
[669] Pickering to RK, 8 Mar. 1785, MHS, Pickering Papers, MS N-708, reel 5, fo. 352.

Ordinance ought to provide for schools and academies. Pickering advocated formal education for both boys and girls in boarding schools. Pickering emphasised that upon graduating, 'thus educated, returning to their several homes, would quite change the face of the country in point of cultivation; and introduce as pleasing a change in the Knowledge, manners, & behaviour of the people'.[670]

Benjamin Rush's essays on republican education give greater insight into the ideological background to the western educational provisions. In his 1786 *Plan for Establishing Public Schools in Pennsylvania*, Rush emphasised that 'Freedom can exist only in the society of knowledge. Without learning, men are incapable of knowing their rights, and when learning is confined to a few people, liberty can be neither equal nor universal'.[671] Rush saw the purpose of a good education as making good republicans and good citizens. His essay on the *Mode of Education Proper in a Republic* stressed that education was meant to inculcate the 'obligations of patriotism', inspire republican principles in the next generation, and teach men the 'prerogatives of the national government'.[672] This would not only prepare the territory for admission to the Union of States as a self-governing polity by producing future legislators and statesmen, but would also instil a respect for government in general and keep the west part of the United States by encouraging nationalism. Through education the west could be improved, cultivated, and "civilised" – turned from a savage wilderness to something useful and prosperous. Education would prevent stadial decline in the settler population and promote prosperity both locally and nationally.

---

[670] Pickering, 'Plan for Establishing Schools in a New Country, Where the Inhabitants are Thinly Settled, & Whose Children are to be Educated With Special Reference to a Rural Life', [1785], MHS, Pickering Papers, MS N-708, reel 53, fo. 192.
[671] Rush, 'A Plan for Establishing Public Schools in Pennsylvania' in *Essays Literary, Moral, Philosophical* (Philadelphia, 1798), p. 1.
[672] Rush, 'Of the Mode of Education Proper in a Republic' in *Essays Literary, Moral, Philosophical* (Philadelphia, 1798), pp. 7, 12, 19.

Historian Carl Kaestle has found that while 'the education provisions of the Northwest ordinances were immensely important' they did not work well in practice and 'had almost no effect on education in the Old Northwest'.[673] Using land to endow schools through rent payment was a common way to fund education in the eighteenth century both at the university-level and at local grammar schools. For example, King's College, New York was granted 24,000 acres of land by the governor in 1767; by 1775, the College had amassed 54,000 acres of endowment land all in present-day Vermont.[674] In Massachusetts, local schools such as Ipswich Grammar and the Cambridge Latin School were commonly funded by rents on endowment land.[675] While this system worked in settled regions, there was an abundance of cheap land in the Northwest Territory and few customers for rental property.

Slavery and the Northwest

Notably, Jefferson's proposed Ordinance of 1784 contained a clause dictating that 'after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude…otherwise than in punishment of crimes' in the western territory.[676] This would not immediately end slavery and would have allowed slaves to come into the territory but it would have eventually served as a mechanism of emancipation. The provision was struck out on the motion of Richard Dobbs Spaight of North Carolina (and seconded by Jacob Read of South Carolina).[677] Another anti-slavery provision was proposed for the 1785 Land Ordinance but was shot down; its

[673] Carl Kaestle, 'Public Education in the Old Northwest: "Necessary to Good Government and the Happiness of Mankind"', *Indiana Magazine of History*, vol. 84, no. 1 (1988), pp. 61-2.
[674] David Humphrey, *From King's College to Columbia, 1746-1800* (New York, 1976), pp. 133-34.
[675] For Ipswich, the original enfoeffment of 1660 is referred to in Mass. Bay Prov. Law 5 Geo. III c. 6; the lands endowing Cambridge Latin are referred to in Mass. Bay Prov. Law 15 Geo. II c. 54. On state land grants being used to fund public academies in Massachusetts, see Harriet Marr, *The Old New England Academies* (New York, 1959), pp. 19-33.
[676] *JCC*, vol. 26, p. 119.
[677] Ibid., p. 247.

addition was likely at the indirect suggestion of Timothy Pickering through his correspondence with Rufus King.[678]

Article VI of the Northwest Ordinance declared '[t]here shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes…Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor'.[679] Historians tend to emphasise the first clause which bans slavery, ignoring the second half of the article which guarantees the legality of slave ownership in the original states and serves as a precursor to the Fugitive Slave clause in the US Constitution.[680] Furthermore, Paul Finkelman notes that the Ordinance's fugitive slave clause was the first protection given to slavery by the national government and ensured the legality of slavery outside the Northwest.[681] Despite the seemingly anti-slavery effect of the provision within the territory itself, Christopher Tomlins argues that the Ordinance merely restrained slavery but could not actually prevent it. According to Tomlins, in 1800 twenty percent of the black population in the Northwest Territory was enslaved.[682]

The prohibition of slavery in the Northwest amounted mostly to accident. Dane explained that '[w]hen I drew the ordinance…I had no idea the States would agree to the sixth Art[icle]…and therefore omitted it in the draft; but finding the House favourably disposed on this subject, after we had completed the other parts I moved the

---

[678] RK to Pickering, 15 Apr. 1785, MHS, Pickering Papers, MS N-708, reel 18, fo. 226. For Pickering's views on slavery in the Northwest Territory, see Pickering to RK, 8 Mar. 1785, ff. 351-352A.
[679] *JCC*, vol. 32, p. 343.
[680] Edward Coles, *History of the Ordinance of 1787* (Philadelphia, 1856); George Bancroft, *History of the United States of America, from the Discovery of the Continent*, vol. 6, (New York, 1888), pp. 277, 289-91; Ulrich Phillips, *American Negro Slavery*: *A Survey of the Supply, Employment, and Control of Negro Labor, as Determined by the Plantation Regime* (New York, 1918), p. 128.
[681] Paul Finkelman, 'Slavery and the Northwest Ordinance: A Study in Ambiguity', *JER*, vol. 6, no. 4 (1986), p. 345.
[682] Tomlins, p. 411 n. 43; Finkelman, p. 360.

art[icle]; which was agreed to without opposition'.[683] He did not expect the other states to pass the provision on slavery and neither a great deal of weight nor thought was given to the prohibition. However, William Frederick Poole has argued that the provision was added to appeal to the wave of New England emigrants expected from the Ohio Company.[684] At the time, Massachusetts was the only state which had abolished slavery; Pennsylvania had passed a gradual emancipation statute in 1780 followed by Connecticut and Rhode Island in 1784, but those born prior to the passage of these laws remained enslaved for life.[685] The question of slavery within the territory was nonetheless linked to the question of who would go west and on what terms. A great number of the settlers who moved to the Northwest were New Englanders, the result of a rapidly growing population which made land scarce and increasingly expensive.[686] The Ohio Company itself wanted to attract primarily New Englanders and Manasseh Cutler warned the Company 'ought to be cautious about admitting adventurers from the Southward. New England Settlers will certainly be the best'.[687]

Significant sections of the Northwest Ordinance were concerned with property rights and drafting committee member Richard Henry Lee remarked that passage of the Ordinance was necessary 'for the security of property'.[688] Many of the *Canadiens* in the Northwest owned slaves; and, while the provisions in Section Two of the Ordinance established standard common law practices of property ownership and inheritance of estates it preserved to the 'Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents and the neighboring villages…their laws and customs now in force among

[683] Dane to RK, 16 July 1787, *LDC*, vol. 24, p. 359.
[684] Poole, p. 258.
[685] *Commonwealth v. Jennison*, Mass. SJC (1783); Pennsylvania Act of 1 Mar. 1780 (10 St.L 67 c 881); Rhode Island Manumission Act of 26 Feb. 1784; Connecticut Gradual Emancipation Act of 1784. When the 1790 federal census was completed, Pennsylvania still had 3,737 slaves, Connecticut 2,764, and Rhode Island 948.
[686] Wood, *Empire of Liberty*, p. 119.
[687] Manasseh Cutler to WS, 20 Apr. 1786, MHS, WSP, MS N-877, reel 2, fo. 17.
[688] RHL to GW, 15 July 1787, *GW Papers*, CS, vol. 5, pp. 258-60.

them, relative to the descent and conveyance, of property'.[689] The protection of French property practices and law included their slave property, making the Ordinance internally inconsistent; a problem arising from the fact that the slavery provision was tacked on with little debate.[690] This internal inconsistency was a source of confusion. In July 1788, the *Québécois* of Kaskaskia petitioned Congress expressing gratitude at the provisions in the Ordinance securing 'their ancient rights and possessions' but complaining the Ordinance contained an 'Ex post facto law' in banning slavery. The petitioners pleaded that 'some have no other property but slaves. If they wish to preserve their property, they must transport themselves to the Spanish side of the Mississippi'.[691] In September 1788, American and *Canadien* settlers in Vincennes sent a joint petition to Congress requesting it 'to repeal or modify that article of the Ordinance of Congress last year which respects the slavery of Negroes in the Western Territory, so far as it operates as an *ex post facto* law'.[692] In response to these petitions, a resolution was introduced in Congress assuring the protection of French ownership of slaves but was never adopted.[693] As a result, the legality of French-owned slaves remained ambiguous and was the source of litigation in Illinois into the 1820s.[694]

The Ordinance was passed unanimously by the eight states present in Congress. Virginia, despite having substantial land in the Northwest Territory through its Military District, voted in favour of the Ordinance including the provision against slavery. William Frederick Poole believed Article VI passed in part because Manasseh Cutler

[689] *JCC*, vol. 32, p. 335. In early documents Vincennes was variously called St Vincents, St Vincennes, and Post(e) Vincent.
[690] Finkelman, p. 359.
[691] Memorial of the French Inhabitants of the Illinois to Congress, 8 July 1788, NARA, PCC, RG 360, M247, roll 52, item 41, vol. 10, ff. 275-278.
[692] Memorial of the French and American Inhabitants of the Illinois and Poste Vincennes, 17 Sept. 1788, NARA, PCC, RG 360, M247, roll 62, item 48, vol. 1, ff. 235-36.
[693] *JCC*, vol. 34, p. 541.
[694] Finkelman, p. 355.

cosied to southern delegates and out of deep concern for the national debt.[695] William Grayson, a delegate from Virginia, put it more bluntly: 'the clause respecting slavery was agreed to by the Southern members for the purpose of preventing Tobacco & Indigo from being made on the N.W. side of the Ohio'.[696] By the 1780s, tobacco was increasingly unprofitable in the Tidewater, causing migrations to Kentucky and the Southwest Territory where it was less expensive to cultivate.[697] The southern states agreed to the provision in part to resolve concerns of the west competing economically with the south. As part of the Northwest Territory, the Virginia Military District was subject to the Ordinance and as such Virginian grantees could not legally take their slaves with them. However, Virginians like Thomas Worthington, later Governor of the State of Ohio, brought theoretically free black servants with them who lived and worked as slaves in everything but name.[698] When the territorial assembly was created in 1799, it immediately received petitions from Virginian immigrants 'praying for toleration to bring their slaves into this Territory'.[699]

Slavery was contested in the Northwest Territory. While some people like Edward Coles migrated to the territory to remove themselves from slaveholding and escape their ties to slavery, others brought slaves under one guise or another.[700] Henry

---

[695] Poole, pp. 253-54

[696] William Grayson to Monroe, 8 Aug. 1787, *LDC*, vol. 24, p. 394; for similar concerns on the effect of allowing slavery in the Northwest on Virginia tobacco see Henry Lee to Richard Bland Lee, 28 Oct. 1786, ibid., vol. 23, p. 619 and Madison to TJ, 20 Aug. 1784, *Madison Papers*, vol. 8, pp. 100-11.

[697] Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill, 1986), pp. 157-58.

[698] Andrew Cayton, 'Land, Power, and Reputation: The Cultural Dimension of Politics in the Ohio Country', *WMQ*, vol. 47, no. 2 (1990), pp. 280-81; Matthew Salafia, *Slavery's Borderland: Freedom and Bondage Along the Ohio River* (Philadelphia, 2013), p. 67.

[699] *Journal of the House of Representatives of the Territory…North-West of the River Ohio* (Cincinnati, [1800]), p. 6.

[700] Edward Coles to TJ, 31 July 1814, *TJ Papers*, RS, vol. 7, pp. 503-04. William Goforth, a county judge in the territory, found himself 'nearly a bankrupt, my creditors have given me seven years to pay my debts' and left New York for 'these remote and uncultivated Regions' in the hope of getting a second start. Goforth was a founding member of the New York Manumission society and it is likely that his move to the Northwest was also partially on ideological grounds. See, Goforth to JA, 11 Aug. 1791, MHS, AP, P-54, reel 375, fo. XVII 158; see also, Indenture of William Goforth, 3 Aug. 1787, NYHS, American History Manuscript Collection–Goforth.

Vander Burgh, who later became President of the Territorial Council, was embroiled in a minor controversy over his 1793 purchase of two runaway slaves in Vincennes. After legal resistance, Vander Burgh had the runaways enter into quasi-enslavement under an indenture contract promising freedom after two years of forced service.[701] When the Indiana Territory was created in 1800, it was still subject to the conditions of the 1787 Ordinance, but circumvented the restrictions by creating *de facto* slavery under long-term indentured servitude.[702] Additionally, territorial settlers living along the Ohio River often rented slaves from Kentucky to work their farms, indicating apathy towards abolitionism.[703]

Imperial Continuities

English and British imperial officials recognised that there would eventually need to be a change in the relationship between the Mother Country and the colonies, but what form this would take was never agreed upon prior to the Revolution.[704] There had been anxieties among British imperialists since the seventeenth century about colonial aspirations for independence and policy makers and commentators were concerned with keeping the colonies sufficiently dependent. *Cato's Letters*, first published in the 1720s and subsequently celebrated in revolutionary and republican circles, rejected any notion of British colonial independence. Letter 106 stated 'I would not suggest so distant a Thought, as that any of our Colonies, when they grow stronger, should ever attempt to wean themselves from us'. Indeed, *Cato* held that 'too much Care cannot be taken…to preserve their Dependencies upon their Mother-Country'.[705] When a union was proposed for the northern colonies in 1754, the British

[701] Salafia, pp. 57-65.
[702] Wood, *Empire of Liberty*, p. 352.
[703] Salafia, p. 53.
[704] Bumsted, p. 535.
[705] [John Trenchard and Thomas Gordon], *Cato's Letters; or, Essays on Liberty, Civil and Religious*, 3rd edn., vol. 4, (London, 1723), p. 6. On the celebrated nature of *Cato's Letters* and influence in British

government was unnerved believing it would threaten colonial dependence on Britain.[706]

Since the seventeenth century some English writers feared colonisation would result in the de-population of the Mother Country. Notably, in 1670 Roger Coke warned that 'Ireland and our Plantations Rob us of all the growing Youth and Industry of the Nation, whereby it becomes week [*sic*] and feeble, and the Strength, as well as Trade, becomes decayed and dimi[ni]shed'.[707] Such fears of de-population often peaked during periods of labour shortages.[708] Writing in the 1750s in response to renewed British fears of de-population, Benjamin Franklin defended the imperial project in North America. In the face of British anxieties, Franklin argued that colonies do not de-populate the parent state; 'there is not one fewer in Britain' as a result of emigration 'but rather many more on Account of the Employment the Colonies afford to Manufacturers at Home'.[709] The fear of depopulation in Britain rose again following the unprecedented levels of transoceanic migration following the end of the Seven Years' War in 1763.[710] In establishing the Northwest as a colony, the American Republic assumed many of the fears prevalent in Britain regarding imperial expansion and colonial rule: a loss of population at home, a loss of wealth, and the spectre of colonial independence.

America, see Bailyn, *Ideological Origins*, pp. 35-6, 44; J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975), pp. 467-77; Ronald Hamowy, '*Cato's Letters*, Locke, John and the Republican Paradigm', *History of Political Thought*, vol. 11, no. 2 (1990), pp. 273-94.

[706] Bumsted, p. 550.

[707] Roger Coke, *A Discourse of Trade* (London, 1670), p. 46.

[708] Daniel Statt, *Foreigners and Englishmen: The Controversy over Immigration and Population, 1660-1760* (London, 1995), pp. 77-78; Jack Greene, *Evaluating Empire and Confronting Colonialism in Eighteenth-Century Britain* (Cambridge [UK], 2013), p. 30.

[709] BF, *Observations Concerning the Increase of Mankind, Peopling of Countries, etc.* (Boston, 1755), p. 12. BF wrote this essay in 1751 but it was not published until 1755.

[710] Tomlins, p. 75.

Echoing Franklin's opponents in the 1750s, James Madison wrote in 1784 that the 'only sufferers by the encouragement of the Western settlem[en]ts will be those [who] remain in the Atlantic States'. Whatever advantage the west holds would 'be greatly outweighed by the danger to the Confederacy…by the depopulation of the country, by the depreciation of their lands [in the east] and by the delay of that maritime strength which must be their only safety in case of war'.[711] St George Tucker, the Bermudian lawyer turned revolutionary, anonymously published a tract in 1795 cautioning against both the use of the Northwest as a financial fund and highlighting the threats he believed westward expansion posed to the Atlantic states. Tucker's *Cautionary Hints to Congress* warned that while 'the Western Territory is to be considered, not only as a fund of actual *wealth*, to the United States, but of *population*, and *strength* to the Union' it had the potential to 'produce the very reverse of these advantages, by substituting *poverty* for *wealth*; a *depopulated* country for one *populous*; and *weakness* for *strength*'. Promoting western settlement, he argued, 'would operate as a *drain*' and lead to the 'diminution of the commerce of the Atlantic states'.[712] Despite these qualms, Tucker purchased 600 acres of land in the Virginia Military District of the Northwest Territory the year after publishing this tract.[713] Rufus King of Massachusetts believed the government was too weak to keep the Northwest tied to the Atlantic states and feared that allowing settlers access to the Mississippi River would orientate the western economy away from the east.[714] Others, like Henry Lee and James Madison, were worried westward migration would depopulate the east and

[711] Madison to TJ, 20 Aug. 1784, *Madison Papers*, vol. 8, pp. 100-11.
[712] [StGT], *Cautionary Hints to Congress, Respecting the Sale of the Western Lands, Belonging to the United States* (Philadelphia, 1795), pp. 6, 8-9.
[713] Conveyance of Land from Samuel Hanway to StGT, 27 Sept. 1796, Swem Library, W&M, TCP, MS 40 T79, ser. 1, box 19, item 3266. For StGT's pessimistic view on investment in land generally, see Phillip Hamilton, *The Making and Unmaking of a Revolutionary Family: The Tuckers of Virginia, 1752-1830* (Charlottesville, 2003), pp. 72, 78-79.
[714] RK to Jonathan Jackson, 3 Sept. 1786, *LDC*, vol. 23, p. 543; RK to Elbridge Gerry, 4 June 1786, ibid., p. 333.

economically compete with southern staples, especially tobacco.[715] Indeed, as noted above, Maryland cited anxieties of de-population in its complaint regarding its refusal to ratify the Articles of Confederation.

Thomas Jefferson believed the Union could only be expanded if generous terms were offered, otherwise the republican colonies would 'end by separating from our confederacy and becoming it's enemies'. During the renewed debates on the Northwest in 1786, Jefferson expressed grave concern that under the current plan debated by the delegates to have Congress maintain an appointed government in the territory 'we treat them as subjects, we govern them, and not they themselves; they will abhor us as masters, and break off from us in defiance'.[716] Ironically, Jefferson had supported creating a centrally appointed government in the territories during the debates on the 1784 Western Ordinance and he would later support strong federal control in the Territory of Orleans during his presidency.[717]

The fear of independence was not simply paranoia; Vermont had separated from New York and entered into negotiations to be re-incorporated into the British Empire. In 1783, the Governor of Vermont informed Governor Haldimand of Québec that 'the Cabinet of this State have resolutely determined by no means to be connected with [the United States], but at all events to be annexed to Canada and become a Royal Government'.[718] This matter was made that much worse by being carried out not by Loyalists but by men who had fought on the side of the Patriot-Rebels, most notably Ethan Allen, the hero of Fort Ticonderoga.[719] In the debates on the western territory,

---

[715] Madison to TJ, 20 Aug. 1784, *Madison Papers*, vol. 8, pp. 100-11; Henry Lee to Richard Bland Lee, 28 Oct. 1786, *LDC*, vol. 23, p. 619.
[716] TJ to Monroe, 9 July 1786, *TJ Papers*, vol. 10, pp. 111-15.
[717] *JCC*, vol. 26, p. 259.
[718] [Thomas Chittenden] to Gov. Haldimand, 10 Apr. 1783, BL, Haldimand Papers, Add MS 21835, fo. 148.
[719] Samuel Flagg Bemis, 'Relations between the Vermont Separatists and Great Britain, 1789-1791', *AHR*, vol. 21, no. 3 (1916), pp. 548-50; Onuf, 'State-Making in Revolutionary America', p. 802.

people occasionally invoked the uneasy situation of Vermont. For example, in 1783 Rhode Island's delegates cautioned that without swift action to strengthen the connection between the west and the Union in 'the course of a few years the [Ohio] country will be peopled like Vermont. It will be independent, and the whole property of the soil will be lost forever to the United States'.[720]

These fears persisted after settlement and migration to the territory started. In 1789, territorial governor Arthur St Clair reported that '[w]ith the English Colonies on one side and the Spanish on another' the American settlers were 'exposed to the Machinations of both those Governments'. In the event of a war, St Clair believed the US settlers 'might be tempted to throw off all Connection with the Parent States, and put themselves under the protection of' a foreign power.[721] In late 1796, Henry Vander Burgh reported from Vincennes that 'many people [have] passed through this place for the Spanish side since I returned from Cincinnati; some with their families, and others to see the Country and procure lands which the Spanish Government Grants very Liberally'.[722] The following year, Winthrop Sargent, then the acting territorial governor, remarked that statehood ought to be 'kept distant' until the 'first Settlers, or frontier people' were displaced by their more respectable and substantial successors.[723]

A View from the West

The Union of States followed a bottom-up model of empire based on citizenship. The people were sovereign; they elected their representatives in the lower house of Congress and had a say in legislation at the state and federal level. The Union of States had a weak centre until the passage of the 14th Amendment in 1865. However,

[720] William and David Howell to Gov. William Greene, 8 Sept. 1783, *LDC*, vol. 20, p. 637.
[721] AStC to GW, Aug. 1789, *GW Papers*, PS, vol. 3, pp. 580-90.
[722] Henry Vander Burgh to WS, 25 Oct. 1796, MHS, WSP, MS N-877, reel 4.
[723] WS to Pickering, 14 Aug. 1797, *Territorial Papers of the United States*, vol. 2, ed. Clarence Carter, (Washington, 1934), p. 622.

in exercising authority over the territories, the Union of States as a whole wielded significant central power. In the territories, political force was exercised top-down via a strong imperial centre. The people of a territory were not sovereign and were ruled by appointed officials. A territory was subject to statutes passed by Congress, a body in which it had no vote, and was subject to taxation without representation. Even when a territory gained a delegate, he was appointed by the legislature not by the people at large. Furthermore, laws passed by the territorial legislature were subject to review by Congress which could, and did, nullify them; Congress had no authority to veto state law.[724]

Political elites in the Atlantic states were not alone in viewing the territories as colonial entities of the American Empire. Territorial officials openly viewed the Northwest as a colony and referred to it as such in official correspondence with the federal government and in the day-to-day workings of the territory. In his maiden speech as governor, Arthur St Clair used language echoing the parent-child metaphor of the British Empire, referring to the 'mother states' and the 'paternal attention' of Congress. Keen to avoid the perceived stadial dangers of living so deep in the wilderness, he urged the first settlers to 'run not into' the 'customs and habits' of the Indians 'which is but too frequent with those who settle near them; but endeavor them to adopt yours'.[725] As stated before, St Clair referred to the 1787 Ordinance as the 'charter of this colony' and during a dispute over federal taxation in the territory, St Clair wrote to the Secretary of the Treasury that 'the territorial Districts…are as yet no part of the United States but dependencies upon them, and have ever been considered

[724] In 1792, Congress nullified a 1788 territorial statute; see *Annals of Congress*, HR, 2nd Cong., 1st sess., p. 481. In February 1795, the federal HR issued a report disapproving a set of laws passed by the judges and governor of the territory in 1792 but this was later rejected in the Senate, see ibid., HR, 3rd Cong., 2nd sess., p. 1227.
[725] AStC, Speech, 9 July 1788, MHS, WSP, MS N-877, reel 2.

in congress as colonies'.[726] After Adams's election, St Clair pledged his support to the new president and promised everything in his 'power for the good of the Colony, and for the benefit of the United States'.[727] Other officials employed similar language and espoused similar ideas as the governor. In a 1790 letter to President Washington, Rufus Putnam, one of the triumvirate territorial judges, expressed his hope that 'in the multiplicity of public concerns which claim your attention, our little colony will not be forgotten'.[728] After the cession of Detroit in 1796, the territorial secretary sent a report to the federal Secretary of State stating his belief that the people of Detroit and the surrounding area 'infinitely prefer remaining a Colony of the United States'.[729]

A central issue at the start of the American Revolution was the legislative relationship between the British colonies and Parliament, especially regarding taxation. In the British imperial system Americans grew up in, it was firmly established that the imperial peripheries were 'not bound by any acts of parliament, unless particularly named' in the statute or in a separate act extending certain statutes to them.[730] In the British imperial system, His Majesty's Privy Council had the power to nullify and void colonial statutes – Congress held similar powers over the territories. In a letter to Alexander Hamilton, St Clair confided his hope to see a territorial law 'disaproved, and another enacted by Congress to the same purpose, for it is already time that the People of this Country should be put in Mind that they are not yet a part of the Union, but dependant upon it'.[731] In March 1792, Congress nullified a law passed by the governor and territorial judges in 1788, but to St Clair's dismay did not enact another in its

[726] AStC to Oliver Wolcott, 24 July 1795, *St. Clair Papers*, vol. 2, p. 384.
[727] AStC to JA, 28 Nov. 1797, MHS, AP, P-54, reel 386, fo. XIX 120.
[728] Rufus Putnam to GW, 20 Dec. 1790, *GW Papers*, PS, vol. 7, pp. 100-02.
[729] WS to Pickering, 30 Sept. 1796, *Territorial Papers*, vol. 2, p. 578.
[730] Sir William Blackstone, *Commentaries on the Laws of England*, vol. 1, (Oxford, 1765), p. 105.
[731] AStC to AH, 9 Aug. 1793, *Hamilton Papers*, vol. 15, pp. 210-12.

place.[732] While the federal Constitution makes clear that constitutional law is the supreme law of the land and trumps state law, the US Supreme Court's ability to void state law was only established in 1796 after *Ware v. Hylton*.[733] The question of the positive application of congressional statutes in the territories and the ability of Congress to tax its territorial dependencies, however, remained dormant until 1794.

Initially, the US continued to follow British precedent. Congressional statutes were not enforced in the territories and federal taxes were not collected. The most notorious tax in the Early Republic, the 1791 Whiskey Excise, did not apply to the territories; the Whiskey legislation divided the country into 14 revenue districts made up of one state each, thereby excluding both the Northwest and Southwest Territories.[734] Although it did not apply to them, the territorial inhabitants were well-aware of the outcry of the western states against the excise and some of the residents of Cincinnati gave aid and assistance to the Pennsylvania rebels.[735] It was only in 1794 that Congress extended the federal tax on distilled spirits to the Northwest Territory by passing a separate act which named the territory, following the established British practice.[736] When Congress passed a federal Stamp Act in 1797 raising duties on certificates of naturalisation, licenses to practice law, wills, bills of exchange, and promissory notes among other things, the issue of congressional taxation and whether federal statutes automatically apply to territories was again raised.[737] The Stamp Act of 1797 did not name the territories and a court clerk in Randolph County, Northwest Territory wrote to the acting governor asking whether 'the operation of this Act extends to this Territory' and expressed 'I have my Doubts, [the territory] not being particularly

[732] *Annals of Congress*, HR, 2nd Cong., 1st sess., p. 481.
[733] US Const., Art. IV, Clause 2; *Ware v. Hylton*, 3 US 199 (1796).
[734] 1 Stat. 199 (1791).
[735] Griffin, *Leviathan*, p. 233.
[736] 1 Stat. 378-381 (1794).
[737] 1 Stat. 527 (1797).

named'.[738] The US Attorney General, however, declared there 'can be no doubt that all the laws of Congress…are, in their operation, co-extensive with the Territor[ies] of the United States', rejecting the old British colonial doctrine.[739] Subsequently, all legislation was assumed to apply to US territories without being directly named. Despite some earlier support for the Whiskey Rebellion, the settlers of the Northwest never rioted or rebelled against congressional taxation.

Frederick Jackson Turner, and many historians after him, characterised territorial officials in the Northwest as arrogant or ineffective.[740] Local anger was often the result of the structure of the Northwest Ordinance. Jack Eblen argues that references to colonialism by western settlers were merely 'rhetorical flourishes'; the 'standard ploy' was to 'compare the governor to George III' and the overall territorial system 'to that of the pre-Revolutionary British Empire'.[741] Peter Onuf has similarly referred to the settlers' charges of colonialism as 'overheated rhetoric', contending it was an expression of the 'chronic ambivalence of frontier communities toward national authority'.[742] However, given the prevalent use of colonial language by territorial officials, the critics of the territorial government may not have been resorting to merely rhetoric. Furthermore, the base of many of these complaints was a belief that the territorial inhabitants had a degraded form of citizenship compared to the Union of States.

Douglas Bradburn argues that by the end of the Revolution, an ideal of American citizenship had emerged which was predicated on having an equal share in

[738] John Rice Jones to WS, 17 Oct. 1797, MHS, WSP, MS N-877, reel 4.
[739] William Bradford to Wolcott, 19 June 1795, *St. Clair Papers*, vol. 2, p. 377.
[740] Frederick Jackson Turner, 'Western State-Making in the Revolutionary Era, II', *AHR*, vol. 1, no. 2 (1896), p. 266; Francis Philbrick, *The Laws of Illinois Territory, 1809-1818*, vol. 25, (Springfield, 1950), p. 313. Andrew Cayton has pushed back against this characterisation, see Cayton, 'The Contours of Power in a Frontier Town: Marietta, Ohio, 1788-1803', *JER*, vol. 6, no. 2 (1986), pp. 103-05.
[741] Eblen, p. 302.
[742] Onuf, *Statehood*, p. 72.

sovereignty.[743] There was, however, a profound issue with the privileges of citizenship in the territories; territorial inhabitants had no share in national sovereignty and only a limited share within the territory itself. Moreover, there was no notion of a national US citizenship until after the passage of the 14th Amendment.[744] The Comity Clause (Art. IV, Sect. 2, Clause 2) of the Constitution states 'Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States'; it was silent on whether this applied to the territories. Governor St Clair believed 'the inhabitants of a Territory are not a part of the people of the United States'. By moving 'into the Territory', he argued, 'they ceased to be citizens of the United States and became their subjects'.[745] The status of territorial inhabitants remained ambiguous until 1805 when Chief Justice John Marshall and the US Supreme Court ruled American citizens resident in the territories were not citizens of a state and thus the Comity Clause did not apply to them; confirming that the federal government viewed territorial citizens as having a lower status.[746] The disparity between the crystallised ideal of a participatory citizenry and the lack of a notion of citizenship divorced from coterminous state citizenship was the source of territorial frustration.

In 1796, the inhabitants of Columbia – a settlement outside Cincinnati – formed a committee to address settler grievances with the Northwest Ordinance. The committee, chaired by Baptist minister Rev. John Smith, declared the people 'of the North-Western Territory do by virtue of the…Ordinance sustain a deprivation of the rights of Freemen' and are 'degenerated citizens'.[747] Later that year, William Goforth, a judge of the territorial Court of Common Pleas in Hamilton County, used his

[743] Bradburn, *Citizenship Revolution*, pp. 48-9; 81-2.
[744] Ibid., p. 98.
[745] AStC to Wolcott, c. July 1795, *St. Clair Papers*, vol. 2, pp. 379, 383.
[746] James Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill, 1978), pp. 251, 255-56; *Hepburn & Dundas v. Ellzey*, 6 US 445 (1805).
[747] *Centinel of the North-Western Territory*, [Cincinnati], 20 Feb. 1796.

Independence Day speech to highlight the defects of the American territorial-colonial system. He publicly declared that the inhabitants were denied the full rights and privileges of republican government enjoyed by the 'Atlantick States'. The territorial government failed to meet the expectations 'of any man who had a knowledge of his rights as an American citizen'. He denounced the territorial system as 'high on the colonial order and in some Instances surpasses those systems imposed on the American colonists while under the tyranny and domination of great-Britain, from which, the soul of america revolted'. As bad as territorial government was, Goforth acknowledged that each settler 'impliedly assented' to its provisions by moving to the territory. And, in stark contrast to the revolutionaries of the 1770s, argued the settlers had a duty to remain loyal and dutiful to the federal government and await the day when they would be elevated to statehood.[748]

Editorials in territorial newspapers often complained the federal government had established an un-republican system in the Northwest and treated the settlers as subjects rather than US citizens. In 1794, *Vitruvius* wrote a set of articles for the Cincinnati *Centinel of the North-Western Territory* in which he condemned the Northwest Ordinance as 'a depredation of the rights and liberties of the people'.[749] While the Ordinance asserted the territorial government must be republican, *Vitruvius* retorted '[i]n all republics I am taught to believe that the people have a right to form their government'; the territorial government was established 'without our consent and yet it is said that it is a republican form'.[750] An anonymous 1801 editorial in the Chillicothe *Scioto Gazette* similarly maintained that the territory was not sovereign but 'under the immediate jurisdiction of the United States'; its author believed the territorial

[748] Goforth, Speech, 4 July 1796, IHS, John Armstrong Papers, M6, box 3, fold. 12.
[749] *Centinel of the North-Western Territory*, [Cincinnati], 27 Sept. 1794.
[750] *Centinel of the North-Western Territory*, [Cincinnati], 20 Sept. 1794.

government was accurately described as colonial 'and like every colonial government, it is a very defective one'. Power was not vested in the people. High ranking officials were not appointed by the citizens they were to govern but derived their 'existence from the president and senate of the United States'. Rather than being chosen by the people or even for their ability, the author charged the 'president and senate' with selecting 'their minions and favorites' for territorial office. 'We are so remote from congress, that our complaints seldom reach them' either from the tyranny of distance or remoteness of interest.[751] Others decried it as a 'government, which no man with the blood of an American in his bosom can contemplate with pleasure' and 'degrading to the dignity of free citizens'.[752]

These complaints were not confined to the territorial press. In a series of letters to President Adams and President Jefferson between 1797 and 1802, William Goforth complained bitterly of 'the nonelective, antirevolutional and oppressive government under which the citizens of this territory are held'.[753] '[T]his remote part of the Empire have [*sic*] Sustained a deprivation of those privileges injoyed by our fellow citizens in the States in the Union'. Perhaps unaware of Monroe's role in modelling the territories on the British provinces, he accused the territorial system of being 'a true transcript of our old English Colonial Governments'.[754] We are taxed 'altho we have no representation in the Legislature that passes the revenue laws…placeing us in the predicament the American Colonists were in previous to the late revolution'.[755] Despite having no voting representatives in Congress, the territory was subject to the 1794

[751] *Scioto Gazette*, [Chillicothe], 12 Feb. 1801. The term 'tyranny of distance' is borrowed from Geoffrey Blainey's *The Tyranny of Distance: How Distance Shaped Australia's History* (Melbourne, 1966).
[752] *Scioto Gazette*, [Chillicothe], 27 Nov. 1800; *Scioto Gazette*, [Chillicothe], 28 Aug. 1802.
[753] Goforth to JA, 30 Dec. 1797, MHS, AP, P-54, reel 386, fo. XIX 126.
[754] Goforth to TJ, 5 Jan. 1802, LoC, JP, MS 27748, ser. 1, reel 25, 20625.
[755] Goforth to JA, 30 Dec. 1797, MHS, AP, P-54, reel 386, fo. XIX 126.

Whiskey Excise and the 1797 Stamp Act.[756] Goforth contended western settlers would happily pay their share of expenses to the federal government, but only when 'we are form'd into a State and that proportion is levied on us by our representatives'. If the federal government wished to 'bind up the skirts of the empire with the center' it would have to extend the full rights of citizenship to the territories.[757] While some settlers complained of the power dynamic, the fact that the colonial government was temporary likely prevented destabilising unrest.

Not all settlers viewed the colonial appellation negatively. The inhabitants living on the banks of the Muskingum River wrote a letter of praise to Governor St Clair in 1788 wishing that 'when States shall rise upon the principles of well regulated colonial government, may your Excellency still be revered as the first of all the citizens'.[758] Many settlers also adopted the language of paternal dependence. In 1790, the citizens of Vincennes expressed their gratitude at being 'under the protecting wings of an august union of States'.[759] At the first meeting of the Legislative Council in 1799, the councillors lamented 'that circumstances rendered it necessary for us to continue so long under' the 'first stage' of territorial governance but acknowledged the 'system appointed by congress was well adapted to the state of society' and gave their 'gratitude to the federal government, for the paternal care which they have exercised over the colony'.[760] In the same year, the first members of the elected assembly issued an address to the territorial citizenry reflecting on 'the future greatness and importance of this part

[756] 1 Stat. 378-381 (1794); 1 Stat. 527 (1797).
[757] Goforth to JA, 30 Dec. 1797, MHS, AP, P-54, reel 386, fo. XIX 126.
[758] Inhabitants of Muskingum to AStC, 16 July 1788, MHS, WSP, MS N-877, reel 2, fo. 99.
[759] Petition of the Citizens of Vincennes to WS, 23 July 1790, NARA-II, RG 59, TP: NWT, M470, reel 1, (vol. 1a), fo. 138.
[760] *Journal of the Legislative Council of the Territory…North-west of the River Ohio* (Cincinnati, [1800]), p. 13.

of the American empire' – indicating a positive notion of empire existed within the territory.[761]

When the issue of statehood was raised in 1801, the inhabitants of Marietta resolved that the 'proposed measure of erecting an independent state government in this country at the present time, is an improper one'. They argued that while the 'idea of self-government is a very pleasing' one, nonetheless, 'there is a time, it must be confessed, when every colonial society…ought to be contended with its minority, and to rest satisfied with the superintending control of its parent'. 'No colony ought to wish to emerge from this state…till it has not only become able to bear the weight of its own independence; but also to preserve its liberty by the force of its principles'.[762] The territory, they held, was not ready for statehood.

CONCLUSION

Provisions in the congressional ordinances state that the government of the Northwest Territory must be republican in character, and although it was, it was also colonial in construction, a fact which was openly acknowledged by those who framed the Ordinance, officials empowered by it, and those who lived under it. The Northwest Territory and the Ordinances dictating its governance served as a model for the US colonial system and was the basis for the governments of the Southwest Territory (created 1790) and the Mississippi Territory (created 1796). As the Northwest Territory was carved into new states, the remainder was incrementally subdivided into new colonies. In each new subdivision the Northwest Ordinance remained in force and dictated the governments in territorial Indiana, Illinois, and Michigan. It remained the sole model for all territorial governments until the Louisiana Purchase.

[761] Address of the Territorial Legislature to the Citizens of the NWT, 18 Dec. 1799, ibid., p. 198.
[762] *Scioto Gazette*, [Chillicothe], 29 Jan. 1801.

Peter Onuf described the US as an 'empire without a metropolis, a consensual union of free republics'.[763] Similarly, Anthony Pagden argued that Jefferson envisioned the United States as 'an empire without conquest or expansion. It was to be a union based upon mutual interests and collaboration; a union, not of metropolis and colonies, but of "sister republics".'[764] Onuf and Pagden are only half right. The states in the Union were not ruled by New York, Philadelphia, or DC in the sense that they and their citizens were represented in Congress, but the claim that the American Empire lacked a strong metropole only holds for the Union of States. The passage of the Northwest Ordinance resulted in a two-tiered empire composed of the Union of States and beneath them the territories. The consensual union was itself an imperial force. The territorial dependencies were under colonial governments appointed by the imperial centre; the Union of States and their representatives in the national government acted like the old imperial centre of the British Empire. And, although, the territories had an officer in the House of Representatives he was a non-voting delegate, not a full member; until a territory reached a set population it would not have a voice at all in the national legislature.

Indicative of this tiered system of empire, both government officials and settlers appropriated the language of paternal care and filial duty to describe the relationship between centre and periphery. The states in the Union were sisters, equal in authority. It is telling that after the federal government passed provisions for the admission of Ohio to the Union, the territory thanked the House of Representatives for taking measures 'to enable the people of the Northwestern territory to emerge from their colonial government, and to assume a rank among the sister States'.[765] Although settlers

[763] Onuf, *Jefferson's Empire*, p. 12.
[764] Pagden, p. 115. See also, Malone and Rauch, *Empire for Liberty*, vol. 1, p. 211.
[765] *Annals of Congress*, HR, 7th Cong., 2nd Sess., p. 290.

in the Northwest and other territories complained of their unequal status within the American Empire, there were never serious efforts to leave the protection of the United States. There were no uprisings against the territorial government as there was in Upper and Lower Canada in the 1830s against the restrictive and autocratic provisions of the 1791 Canada Act. And, while many settlers were upset with taxation by Congress without being represented in the federal government, there were no large-scale protests or riots as seen in the American colonies in the 1760s and 1770s, or as was seen in Kentucky and western Pennsylvania in response to the Whiskey Excise in the 1790s.[766] Through its two-tiered, integrative structure and the promise of elevation from colonial dependency to full and equal membership in the Union, the American Empire managed to avoid colonial independence and revolution.

[766] Leland Baldwin, *Whiskey Rebels: The Story of a Frontier Uprising* (Pittsburgh, 1939); Thomas Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York, 1986); Griffin, *Leviathan*, pp. 222-39.

CHAPTER THREE

Expansion through Purchase: Empire and Colonial Governance in Orleans, 1803-1812

On 1 March 1803, the eastern-most section of the Northwest Territory was admitted to the Union as the State of Ohio. Despite successfully incorporating part of the Northwest Territory into the federal Union, there were growing concerns over the security and dependence of the western stretches of the United States. Spain, which governed *Luisiana* and controlled the Mississippi River, had secretly promised to return that colony to France in 1800 and reaffirmed that commitment in 1801 by the Treaty of Aranjuez. France would only come to actually possess *Luisiana* in March 1803, but the rumours of the exchange made American policymakers anxious. Although France had been a strong American ally – as seen in the previous chapters – the French Republic's invasions and overthrow of neighbouring countries and French harassment of US trade during the Quasi War made Americans uneasy with the prospect of France on their border.

Access to the Mississippi River was vital to the health and success of the American west, not just to the Indiana and Mississippi territories but also to the states of Tennessee, Kentucky, and Ohio. New Orleans was the natural entrepôt for the entire Mississippi River Valley and the city was essential to the west. It was estimated that three-eighths of American produce had to pass through the port of New Orleans on its way to domestic markets in the eastern states.[767] Since 1795, American citizens had

[767] TJ to RRL, 18 Apr. 1802, *TJ Papers*, vol. 37, pp. 263-67.

been able to enter and deposit goods in New Orleans freely and without interference. In 1802, however, the port was abruptly closed off to Americans by Don Juan Ventura Morales, the Spanish intendant of *Luisiana*. The American right of deposit had been permitted by Spain as a war measure to provide *Luisiana* with goods that could not be produced domestically and which could not be imported due to the war between the French Republic and Britain. With the Treaty of Amiens in March 1802 bringing an end to the War of the Second Coalition, the need for external suppliers was no longer necessary and the privileged status of American ships was terminated.[768]

When Continental Congress debated the Jay–Gardoqui Treaty in 1786, the delegates were forced to consider surrendering all claims of America's right to use the Mississippi River. South Carolinian Charles Pinckney cautioned his fellow legislators that abrogating the navigation rights to the Mississippi would 'immediately destroy all Connexion between' the Atlantic states 'and the inhabitants of the Western Country'. Once the right to the Mississippi River was ceded, the US, he warned, would cease to 'be viewed as the friend or parent' of the western settlements and would be considered only as 'their oppressors'.[769] The loss of the right of navigation on the Mississippi River in 1802 resurrected the fear that the western territories, and indeed even states, might secede.

A month after the closure of New Orleans, the Governor of Kentucky informed the federal government that the citizens of his state were 'very much alarmed and agitated' and he feared 'this measure of the Spanish government will (if not altered) at one blow cut up the present and future prospects of their best interests by the roots'.[770]

---

[768] Orden del Don Juan Ventura Morales, 16 Oct. 1802, HNOC, Laussat Papers, MS 125, fold. 57.
[769] Charles Pinckney, Speech, [10 Aug. 1786], *LDC*, vol. 23, pp. 455-56. For an overview of the struggle to gain access to the Mississippi River, see Arthur Whitaker, *The Mississippi Question, 1795-1803* (New York, 1934).
[770] Gov. James Garrard to TJ, 30 Nov. 1802, *TJ Papers*, vol. 39, pp. 91-92.

Indeed, President Jefferson wrote that the loss of the free navigation of the Mississippi and the right of deposit in New Orleans had 'thrown this country into such a flame of hostile disposition as can scarcely be described'.[771] In early 1803, the House of Representatives of the Mississippi Territory wrote a memorial to President Jefferson as 'head of the Empire' emphasising their dependent status. The territorial government invoked 'the parental care' of the Union over 'the youngest and most defenceless of its Colonies' and begged Jefferson and the federal government to negotiate for access to any river which flowed into the Gulf of Mexico.[772] The Mississippi Territory had no direct access to the sea in 1803. The territory did not yet include Biloxi (annexed in 1811) or Mobile (annexed in 1813); it had no coast and all its navigable waterways flowed through Spanish colonies. With the loss of the Mississippi River, the territory was cut off from the United States. Without waterways, the American west was literally a world away. Overland travel from New York City to Cincinnati, for example, – a linear distance of 560 miles – took at least 50 days and was prohibitively expensive; by contrast a sea-voyage from New York to most ports in Great Britain took less than 40 days.[773] Western settlers could not prosper unless they could market their products by water; if the US failed to secure ready access to the Gulf of Mexico, western settlers would align with whoever could.[774]

The US government and the American public were determined to acquire the city to prevent a future crisis. The American desire for New Orleans was partly rooted in the island's importance to US trade and protecting American commerce, much like

[771] TJ to RRL, 3 Feb. 1803, ibid., pp. 444-46.
[772] Mississippi Territorial HR to TJ, 12 Mar. 1803, ibid., vol. 40, pp. 50-52.
[773] Gary Lawson and Guy Siedman, *The Constitution of Empire: Territorial Expansion and American Legal History* (New Haven, 2004), p. 17.
[774] Reginald Horsman, 'The Dimensions of an "Empire for Liberty": Expansion and Republicanism, 1775-1825', *JER*, vol. 9, no. 1 (1989), p. 3; James Lewis, *The American Union and the Problem of Neighborhood: The United States and the Collapse of the Spanish Empire, 1783-1829* (Chapel Hill, 1998), p. 14.

the interest in Bermuda in the 1770s and 1780s. The envisioned expansion was inherently protectionist and aimed at preserving the union of the western states and territories with the Atlantic coast. For example, in February 1803, Senator Gouverneur Morris (F-NY) argued that the cession of Louisiana 'to France is dangerous to other nations, but fatal to us'. Both New Orleans and the Floridas form 'a natural and necessary part of our empire' and 'must not be separated from the United States'.[775] Even the US Attorney General believed the 'importance of New Orleans and the Floridas, with the unimpeded navigation of the Mississippi to the U.S., to their peace and prosperity, is, in my opinion so great, as to justify, almost any risque for their attainment'.[776] When John Adams reflected on the Louisiana Purchase in 1811, even he remarked that '[w]ithout it we could never have secured and commanded the Navigation of the Missi[ssi]ppi, and Without the Navigation of the Missis[s]ippi, the Western Country Would infallibly have revolted from the Union'.[777]

The Louisiana Purchase marked the first instance of the United States expanding beyond what had once been British America, but the desire for the lands on the eastern shores of the Mississippi was not a new one and dates to the early years of Independence. In the summer of 1778, George Mason declared that 'the union is yet incomplete, & will be so, until the inhabitants of all the territory from Cape Breton [Nova Scotia] to the Mississippi [River] are included in it; while G[reat] Britain possesses Canada & west Florida, she will be continually setting the Indians upon us, & while she holds the harbours of [St] Augustine & Hallifax, especially the latter, we shall not be able to protect our trade or coasts from her depredations'.[778] The Republic

[775] *Annals of Congress*, Senate, 7th Cong., 2nd Sess., pp. 204, 195.
[776] Levi Lincoln to TJ, 10 Jan. 1803, *TJ Papers*, vol. 39, pp. 302-05.
[777] JA to Josiah Quincy III, 9 Feb. 1811, MHS, AP, P-54, reel 118, fo. 201.
[778] George Mason to RHL, 21 July 1778, Small Spec. Coll. Lib., UVa, Lee Family Papers, MS 38–112, box 16.

had long wanted the Mississippi for its natural western border. The Purchase was the nation's first external expansion since the cession of the Ohio River Valley by the Treaty of Paris and was the first to be done under the federal Constitution.[779] In a single stroke it doubled the size of the country and the region was under a developmental territorial regime for more than a century, ending only in 1907 when Oklahoma was finally admitted to the Union of States. Importantly, the largest single expansion of the United States was also an accident. The country acquired more land than it had intended to. In 1803 as in 1778, there was not yet a grand vision of an American Empire which stretched from the Atlantic to the Pacific.

A number of historians have viewed the initial years after the Purchase as marking a monumental shift in territorial policy. They contend that Congress moved toward a less generous style of governance marked by hubris and have characterised the US as taking a step too far and abandoning its founding principles in favour of colonialism. Indeed, there were considerable tensions between the *Orléanais* and the federal government. But, rather than a great shift away towards something novel, the territorial government of Orleans represents only a slight modification of the existing model of the Northwest Ordinance. Even the complaints of the settlers bear great resemblance to those living in the Northwest Territory in the 1780s and 1790s. While the acquisition is often emphasised as an unusual moment, it is better viewed as a continuation of American annexationist ideas 25 years earlier. The Louisiana Purchase continued the adapted British imperial model Americans adopted in the 1780s.

MANOEUVERING FOR ANNEXATION

[779] Through the 1795 Treaty of San Lorenzo, the Spanish Empire formally ceded land that became part of the Territory of Mississippi to the United States; however, these lands had been claimed by the US since the 1780s.

The negotiations and schemes to acquire New Orleans show a maturation of the American Empire and a self-confident assertion of US potential power. The US Minister to France, Robert R. Livingston, began negotiating for a purchase in early 1802 and was joined in early 1803 by Minister Plenipotentiary and Envoy Extraordinary James Monroe. Most of the negotiating was undertaken by Livingston who met with a number of French ministers at Château de Saint-Cloud and wrote a series of essays in an attempt to persuade France to part with New Orleans. Livingston stressed the unprofitability of *la Louisiane* knowing the French Republic's need for revenue in the event of renewed conflict with Britain and presented French ownership as a threat to the value of France's remaining colonies. The US threatened to tip the balance in political and economic alliances either to France's detriment or benefit. Livingston and other American officials dangled both the prospect of a US-British alliance and the offer for the US to act as the maritime carriers for the French Republic and its colonies. By threatening to tip the balance of power against France, America was attempting to play in the same league as the two most powerful empires in the western world at that time. The US was not claiming to be a global power, but rather asserting that it could throw its weight around and act as a kingmaker in diplomatic and commercial alliances. Negotiators also raised the spectre of the United States unilaterally taking New Orleans by brute force.

In early spring 1802, President Jefferson sent an ostensibly private letter to Livingston stating that the retrocession of Louisiana 'compleatly [*sic*] reverses all the political relations of the US, and will form a new epoch in our political course'. He lamented that the French possession of New Orleans made 'it impossible that France and the US can continue long friends'. The French Republic had become a threat to the United States and necessitated that the US politically 'marry ourselves to the British

fleet & nation' and 'turn all our attentions to a maritime force'. Jefferson, however, suggested that if France were to cede 'to us the island of New Orleans and the Floridas' it would 'remove the causes of jarring & irritation between us'.[780]

Historian Richard van Alstyne notes that Jefferson's letter to Livingston was 'a private communication intended to be seen by official French eyes' and James Lewis has argued that while the letter 'is the most famous document produced by the retrocession crisis, it is probably also the most misleading'.[781] While Lewis and van Alstyne have noted this document's performative importance, the alliance with Britain was, although unlikely, not entirely posturing. In response to the retrocession in 1801, Lord Hawkesbury, the British Foreign Secretary, informed Rufus King that Britain wished to prevent France from regaining a hold on the North American continent and, in the event of a war, would be willing to seize New Orleans and cede it to the United States in exchange for support.[782]

Livingston continued to fuel the fear of a British-American alliance throughout his dealings with French officials. In January 1803, he cautioned the French Minister of the Exterior that by retaining possession of New Orleans, France would throw 'the weight of the United States into the scale of Britain' and 'render her mistress of the New World'.[783] By April, an exasperated Livingston told Charles-Maurice de Talleyrand-Périgord that 'any delay' in the negotiations 'would enable Britain to take possession [of Louisiana] who would readily relinquish it to us'.[784] In a letter sent just before the conclusion of the negotiations, the federal government instructed Livingston

---

[780] TJ to RRL, 18 Apr. 1802, *TJ Papers*, vol. 37, pp. 263-67.
[781] Alstyne, *Rising Empire*, p. 85; James Lewis, 'A Tornado on the Horizon: The Jefferson Administration, the Retrocession Crisis, and the Louisiana Purchase' in Peter Kastor and François Weil (eds.), *Empires of the Imagination: Transatlantic Histories of the Louisiana Purchase* (Charlottesville, 2009), pp. 122-23.
[782] Alexander DeConde, *This Affair of Louisiana* (New York, 1976), p. 109.
[783] RRL to French Minister of the Exterior, 10 Jan. 1803, *Annals of Congress*, Appx., 7th Cong., 2nd Sess., p. 1071.
[784] RRL to Madison, 13 Apr. 1803, HNOC, MS 132.

and Monroe that 'if France should avow or evince a determination to deny to the United States the free navigation of the Mississippi' they were to communicate to the British government the US willingness to join 'Britain in a war…against France and her allies'.[785]

In early March 1802, Livingston submitted an essay on 'the Relative Situation of France, Britain and America, as Commercial and Maritime nations' to the French treasurer François Barbé-Marbois and Third Consul Charles-François Lebrun in which he stressed the naval weaknesses of the French Republic.[786] The French Navy had been greatly weakened by the upheaval of the Revolution. Naval officers emigrated in large numbers like other members of the aristocracy and administrative elite such that by 1791 the navy was already severely lacking in personnel. Reforms made by the French Constituent Assembly in the early 1790s inadvertently created chronic shortages of naval supplies which further weakened the navy. The War of the Second Coalition also took its toll. By 1801, there were more than 70,000 French prisoners-of-war in Britain, the majority of them sailors. France also lost a number of its colonies to Britain over the course of the War – Pondicherry in India; Tobago, Sainte-Lucie, and Martinique in the West Indies; and Saint-Pierre and Miquelon off the coast of North America – though these would be returned to France in the Treaty of Amiens several weeks after Livingston circulated this essay. Naval historian Ernest Jenkins notes that after Amiens, France's 'overseas trade had to start again from the beginning'.[787]

In the event of a renewed war with Britain, which was already seen as inevitable, Livingston believed that unless France had 'a naval force capable of protecting them'

[785] Madison to RRL and Monroe, 18 Apr. 1803, *Madison Papers*, SSS, vol. 4, pp. 527-33.
[786] For the French recipients of this essay, see RRL to Madison, 14 Mar. 1802, ibid., vol. 3, pp. 25-30.
[787] Ernest Jenkins, *A History of the French Navy: From its Beginnings to the Present Day* (London, 1973), pp. 205, 241.

her remaining 'colonies must soon change their masters'.[788] In her present state, France could not compete with Britain's command of the sea. Livingston, however, argued that the US had certain natural advantages which left it poised 'to be a considerable maritime nation' which could someday rival Britain.[789]

Livingston argued the only way for France to economically compete with the British Empire was to place her marine 'in more hands, without attempting to grasp it alone'.[790] While Jefferson had stated that French possession of Louisiana necessitated that Britain and the United States work together to 'maintain exclusive possession of the ocean', Livingston proposed France use the American merchant marine as the carriers of French transatlantic commerce.[791] The US was more capable of providing necessary naval stores than France which in turn meant that Americans could be carriers for the French at far cheaper rates than the French themselves were capable of doing. Livingston was not wholly exaggerating when he told the French this. There had been rapid growth in American shipping in the 1790s which increasingly saw American merchants enter the carrying trade for other nations. The era between 1790 and 1807 has been dubbed by historian Curtis Nettels as the 'golden age of American shipping'.[792] Livingston's naval and maritime arguments evidently held sway with French ministers; Napoléon later reported that the sale of *la Louisiane* «affermit pour toujours la puissance des États-Unis, et je viens de donner à l'Angleterre une rivale

[788] RRL, 'Thoughts on the Relative Situation of France, Britain and America, as Commercial and Maritime nations', c. Mar. 1802, *Annals of Congress*, Appx., 7th Cong., 2nd Sess., p. 1202.
[789] Ibid., p. 1204.
[790] Ibid.
[791] TJ to RRL, 18 Apr. 1802, *TJ Papers*, vol. 37, pp. 263-67; RRL, 'Thoughts on Maritime nations', pp. 1204 (quoted), 1206-10.
[792] Eliga Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge [MA], 2012), pp. 142-43; Curtis Nettels, *The Emergence of a National Economy, 1775-1815* (New York, 1962), p. 233.

maritime qui tôt ou tard abaissera son orgueil».[793] The US successfully leveraged its potential to be a commercial empire.

Economic Burdens

In August 1802, Livingston distributed an essay titled 'Whether it Will be Advantageous for France to Take possession of Louisiana' to Talleyrand and others in the French government.[794] Livingston sought to convince French ministers that taking control of Louisiana would be costly and financially burdensome for France, wasting 'capital which she needs both at home and abroad'.[795] As economic historians Michael Bordo and Eugene White have noted, France's ability to borrow money during the wars of the revolution was limited. Traditional European lenders like the Dutch did not trust the new French regime and Napoléon's attacks on other European states resulted in widespread 'capital flight' from the continent to Britain leaving France with few options.[796] Livingston stressed that *la Louisiane* would do little for French revenue. The products of Louisiana were similar to those of the West Indies; adding it to the French colonial empire would only result in lowering the value of such goods.[797] The province had to 'be cultivated by slaves' and Livingston suggested France would do better sending slaves to the West Indies than Louisiana where they would be more profitable.[798]

---

[793] Quoted in François Barbé-Marbois, *Histoire de la Louisiane et la Cession de cette Colonie par la France aux États-Unis de l'Amérique Septentrionale* (Paris, 1829), p. 335: 'affirms forever the power of the United States, and I have just given England a maritime rival that sooner or later will lay low her pride'.
[794] For this essay's submission to Talleyrand, see RRL to Madison, 10 Aug. 1802, *Madison Papers*, SSS, vol. 3, pp. 467-70.
[795] RRL, 'Whether it Will be Advantageous for France to Take possession of Louisiana', c. 10 Aug. 1802, *Annals of Congress*, Appx., 7th Cong., 2nd Sess., p. 1042.
[796] Michael Bordo and Eugene White, 'A Tale of Two Currencies: British and French Finance During the Napoleonic Wars', *Journal of Economic History*, vol. 51, no. 2 (1991), p. 315.
[797] RRL, 'Whether it Will be Advantageous', p. 1043.
[798] Ibid., pp. 1042, 1045.

Bonaparte's primary motive in re-acquiring Louisiana was to revitalise the French colonial empire. At the heart of this was the reconquest of Saint-Domingue and the resuscitation of its sugar industry.[799] Under this scheme, Louisiana would serve as the supplier of food, wood, and other essential materials to Saint-Domingue and the rest of the French West Indies. Bonaparte had appointed Talleyrand minister of foreign relations in part because he was a 'champion of the idea of a revived empire in North America'.[800] Knowing this, Livingston told French ministers that under US rule Louisiana would be more cheaply run and would enable France to supply her remaining island colonies at a much lower cost.[801]

Livingston, furthermore, informed the French that Louisiana was already firmly within a US sphere of economic influence. He estimated that 'at least half of the trade of New Orleans is carried on upon the capital of citizens of the United States' and 'one-third of the mercantile houses now employed in New Orleans belong to the citizens of the United States'.[802] France had nothing to offer the *Louisianais* that could not be better supplied by Americans; he argued French wines would not do well in Louisiana because of the climate and noted that the inhabitants already drank American brandy, beer, cider, and whiskey.[803]

Possession by Force

When American access to the Mississippi River was denied in the 1780s, US officials only sought diplomatic resolution which repeatedly failed. No consideration was taken of annexing *Luisiana* or New Orleans or of going to war with the Spanish

[799] Barbé-Marbois, pp. 218-19; DeConde, pp. 98, 101-05; Philippe Girard, 'Rêves d'Empire: French Revolutionary Doctrine and Military Interventions in the Southern United States and the Caribbean, 1789-1809', *LaH*, vol. 48, no. 4 (2007), p. 411; Ronald Smith, 'Napoleon and Louisiana: Failure of the Proposed Expedition to Occupy and Defend Louisiana, 1801-1803', *LaH*, vol. 12, no. 1 (1971), pp. 21-40.
[800] DeConde, p. 91.
[801] RRL, 'Whether it Will be Advantageous', p. 1051.
[802] Ibid., pp. 1047, 1050.
[803] Ibid., p. 1046.

Empire. It took more than a decade of negotiating; it was only after the Treaty of San Lorenzo in 1795 that Americans regained unobstructed use of the Mississippi River and the right of free deposit in New Orleans. The US was too weak to wage war against Spain in the 1780s; it struggled to militarily deal with the Indian nations in the Northwest Territory and was facing structural weaknesses under the Articles of Confederation. However, in response to the retrocession crisis a number of prominent Americans and government officials advocated or threatened to take New Orleans by force. The US was no longer interested in merely negotiating for the right of access but wanted full possession.

In response to the closure of New Orleans, the state legislature of Kentucky voted in December 1802 to support a war to capture the port city.[804] In the same month, the Federalist-aligned *Gazette of the United States* warned 'that unless the government can give strong assurances of obtaining its rights, the western people will take possession of New Orleans; which will no doubt produce a war'.[805] In January 1803, the federal House of Representatives adopted a resolution declaring 'possession of New Orleans and the Floridas' was not only 'required for the convenience of the United States, but…demanded by their most inperious [*sic*] necessities'. Congressmen declared that if the United States wished to have 'the free use of the Mississippi, the Mobile, the Apalachicola, and the other rivers of the West…New Orleans and the Floridas must become a part of the United States either by purchase or conquest'.[806]

The following month, Senator Wilson Cary Nicholas (DR-VA) delivered a speech declaring that the United States had 'nothing to fear from the colony of any European nation on this continent; they ought rather to be considered as a pledge of the

[804] Cogliano, *Emperor of Liberty*, p. 191.
[805] *Gazette of the United States*, [Philadelphia], 31 Dec. 1802.
[806] *Annals of Congress*, HR, 7th Cong., 2nd Sess., p. 373.

good conduct of the mother country towards us; for such possessions must be held only during our pleasure'.[807] Colonies like *la Louisiane* existed, at least in the mind of Nicholas and others of his ilk, only because the US allowed them to. To this end, Senator James Ross (F-PA) introduced a series of resolutions declaring 'the United States have an indisputable right to the free navigation of the river Mississippi, and to a convenient place of deposit for their produce and merchandise in the island of New Orleans'. The port was 'essential to the union, strength, and prosperity of these States', especially to 'the American citizens as dwell on the western waters', by which he meant those living on the banks of the Mississippi and its tributaries. As such, he called on the government to raise $5 million and an army of 50,000 to take New Orleans. Ross's proposal was only narrowly defeated.[808] Livingston invoked these threats of war during his negotiations. And, in early April 1803, he informed Barbé-Marbois of the intense 'ardour of Americans to take [New Orleans] by force' and the great 'difficulty with which they were restrained by the prudence of the President' in order to push negotiations along.[809] The Jefferson administration acknowledged that a war with France was 'inevitable' if the French denied Americans 'the free navigation of the Mississippi' and began preparatory plans for war just prior to when a sale was finally struck.[810]

When it became clear to Bonaparte that France would permanently lose control of Saint-Domingue, Louisiana became irrelevant, paving the way for its sale and cession to the US.[811] Alexander Hamilton astutely wrote that the United States was

[807] Ibid., Senate, 7th Cong., 2nd Sess., p. 233.
[808] Ibid., Senate, 7th Cong., 2nd Sess., pp. 95-96.
[809] RRL to Madison, 13 Apr. 1803, HNOC, MS 132.
[810] Madison to RRL and Monroe, 18 Apr. 1803, *Madison Papers*, SSS, vol. 4, pp. 527-33.
[811] Barbé-Marbois, pp. 284-85; Laurent DuBois, 'The Haitian Revolution and the Sale of Louisiana; or, Thomas Jefferson's (Unpaid) Debt to Jean-Jacques Dessalines' in Peter Kastor and François Weil (eds.), *Empires of the Imagination: Transatlantic Histories of the Louisiana Purchase* (Charlottesville, 2009), p. 93.

Fig. 11



Robert Wilkinson, *North America*, 1804, Branner Library, Stanford University, Stanford, CA, David Rumsey Map Collection, G3300 1804.W5.

---

indebted to 'St. Domingo, and to the courage and obstinate resistance made by its black inhabitants…which delayed the colonization of Louisiana' and allowed for its transfer.[812] By 30 April, the French Republic agreed to sell all of *la Louisiane* to the United States for $15 million.

Limited Expansion

La Louisiane was an expansive territory which included the modern US states of Louisiana, Arkansas, Missouri, Iowa, Oklahoma, Kansas, Nebraska, South Dakota and portions of Minnesota, Texas, New Mexico, Colorado, Wyoming, Montana, and North Dakota (SEE FIG. 11). *Louisiane* also extended into what are now the southern reaches of the provinces of Alberta and Saskatchewan in the Dominion of Canada – claims which were formally ceded to the British Empire in 1818 in exchange for the

[812] *New-York Evening Post*, 5 July 1803.

southern portion of the Red River Colony, an area which is now North Dakota and Minnesota.[813] The population of the region was also extremely diverse, a mixture of Spanish, Isleños (Canary Islanders), French, Anglo-Americans, Métis, and Africans in addition to the Assiniboine, Biloxi, Caddo, Chickasaw, Chippewa, Chitimacha, Choctaw, Iowa, Natchez, Omaha, Osages, Pawnee, and Sioux Indian nations. The physical size of the Louisiana Purchase proved daunting; the US claimed far more territory than it actually exerted sovereignty over. Some *Louisianais* did not learn of the transfer of the province to the United States until 1806 when contacted by the Lewis and Clark expedition.[814]

The US government initially wanted only the land to the east of the Mississippi River: Île d'Orléans and the Floridas. Whoever commanded the Island of Orleans controlled the traffic and trade of the Mississippi River. Likewise, any commerce from New Orleans to the Atlantic states had to pass the narrow straits of Florida. Jefferson's administration wanted to secure a natural and defensible western boundary which would ensure the ground the US already controlled would remain American. In an 1802 letter to Pierre Samuel du Pont de Nemours, an émigré and former physiocrat *philosophe* in the court of King Louis XVI, Jefferson explained that 'at present we should consider an enlargement of our territory beyond the Missis[s]i[p]pi to be almost as great a misfortune as a contraction of it on this side'. Jefferson emphasised that he and his administration wanted 'the Missis[s]i[p]pi through it's whole course to be the boundary & common property between us and whatever nation adjoins us'.[815] The formal commissions for the American delegation negotiating the Purchase empowered them to pursue 'the enlargement and more effectual security of the rights and interests

[813] 1818 Treaty of London.
[814] Peter Kastor and François Weil, 'Introduction' in *Empires of the Imagination*, p. 2.
[815] TJ to Pierre Samuel du Pont de Nemours, 5 May 1802, *TJ Papers*, vol. 37, pp. 418-19.

of the United States in the River Mississippi and in the Territories Eastward thereof'.[816] The instructions sent by the Secretary of State similarly asserted the delegation was to pursue the acquisition of New Orleans and the Floridas and to establish 'the Mississippi as the boundary between the United States and [the remainder of] Louisiana'.[817] When asked by Talleyrand 'whether we wished to have the whole of Louisiana', Robert Livingston reiterated that American 'wishes extended only to New Orleans & the Floridas' and the government 'had no disposition to extend across the River'.[818]

The Louisiana Purchase has sometimes been portrayed by historians as an early expression of Manifest Destiny. Alexander DeConde, Drew McCoy, and a number of scholars from the 1930s to the 1990s have viewed the Purchase as part of a concerted, deliberate westward movement. Even as recently as 2007, Adam Rothman suggested the Purchase was a response to a popular notion of a 'continental destiny' for the United States.[819] There is no evidence to suggest the Purchase was predicated on a belief in a providential, God-given right for the United States and the American people to expand across the entire North American continent from the Atlantic seaboard to the Pacific Ocean. The term Manifest Destiny itself originated only in 1845.[820] Jefferson himself stated in 1816 that the US could make no claim '[o]n the waters of the Pacific…in right of Louisiana'.[821] Furthermore, historian Frederick Merk has maintained that 'Jefferson and his disciples were not interested in state making in the trans-Rocky Mountain West

[816] Commission for Monroe and RRL, 12 Jan. 1803, ibid., vol. 39, pp. 320-21.
[817] Madison to RRL, 18 Jan. 1803, *Madison Papers*, SSS, vol. 4, pp. 259-61; see also Madison to Charles Pinckney, 11 May 1802, ibid., vol. 3, pp. 215-16.
[818] RRL to Madison, 11 Apr. 1803, ibid., vol. 4, pp. 500-02; RRL to Madison, 13 Apr. 1803, HNOC, MS 132.
[819] John Parish, *The Emergence of the Idea of Manifest Destiny* (Los Angeles, 1932), pp. 18-23; DeConde, pp. 241-55; Drew McCoy, *The Elusive Republic*: *Political Economy in Jeffersonian America* (Chapel Hill, 1980), pp. 204-05; Lawrence Owsley and Gene Smith, *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821* (Tuscaloosa, 1997); Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge [MA], 2007), p. 16.
[820] Julius Pratt, 'The Origin of "Manifest Destiny"', *AHR*, vol. 32, no. 4 (1927), pp. 795-98.
[821] TJ to John Melish, 31 Dec. 1816, *TJ Papers*, RS, vol. 10, pp. 626-27.

on behalf of the United States'; the few who did argue in favour of total continental expansion were viewed by their contemporaries as being on 'the outer edges of the lunatic fringe'.[822] Geographer Donald Meinig has convincingly argued that 'American territorial expansion began with a specific, focused, and limited objective: to obtain control of the lower Mississippi so as to gain unhindered access to the Gulf of Mexico'.[823] The Louisiana Purchase thus had an Atlantic orientation and was intended to strengthen the political union between the western and the Atlantic states; New Orleans and the Gulf of Mexico were to be the cement which would bind the two halves of the country.

While the Purchase doubled the size of the country, it did so as the result of an accident not an outright plan. The land west of the Mississippi River was dumped on the US by Napoléon. When James Monroe and Robert Livingston informed the Secretary of State of the final treaty of purchase they apologised, acknowledging that the 'acquisition of so great an extent was, we well Know, not contemplated by our appointment; but we are persuaded that the Circumstances and Considerations which induced us to make it, will justify us, in the measure, to our Government and Country'.[824] Livingston himself suggested trading 'the west bank of the Mississippi with Spain for the Floridas'.[825] Even as late as 1806, federal officials toyed with the idea of getting rid of the western lands of the Louisiana Purchase. When Senator Stephen Bradley (DR-VT) proposed a resolution to empower the 'the President to obtain…the provinces of Canada, Nova Scotia & the Florida's [*sic*] by purchase' or 'by force & arms', Senator Uriah Tracey (F-CT) saw it is an opportunity 'to exchange

[822] Frederick Merk, *Manifest Destiny and Mission in American History: A Reinterpretation* (New York, 1963), pp. 8, 13.
[823] Donald Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*, vol. 2, (New Haven, 1993), p. 197.
[824] RRL and Monroe to Madison, 13 May 1803, *Madison Papers*, SSS, vol. 4, pp. 601-06.
[825] RRL to Madison, 11 Apr. 1803, ibid., pp. 500-02.

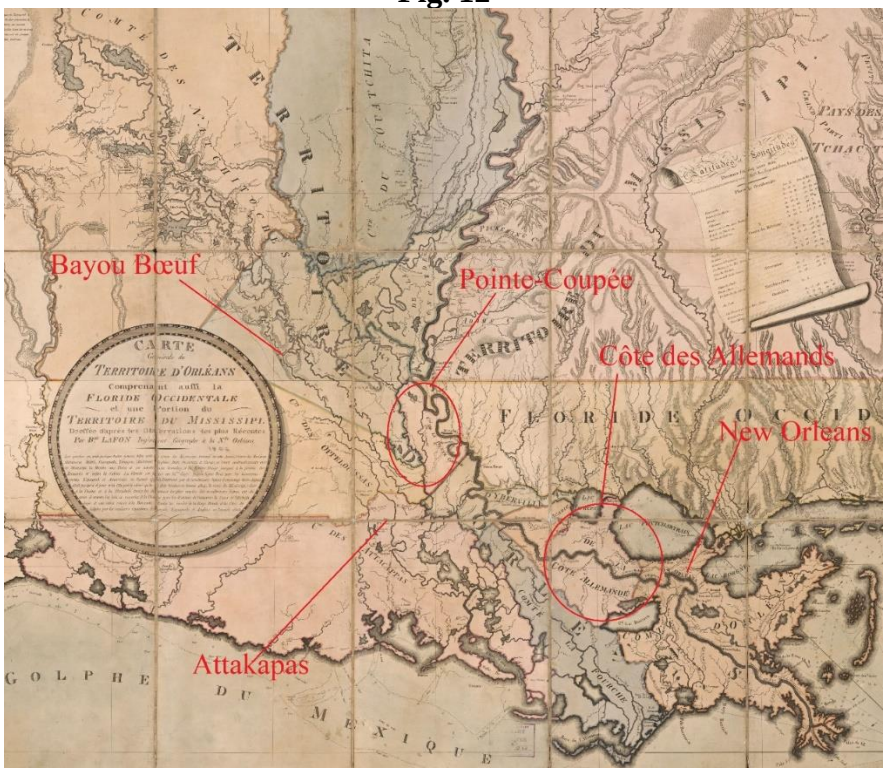
the useless unbounded swamps of Louisiana for the Floridas'.[826] Manifest Destiny and transcontinental expansion was far from the minds of policy-makers.

Senator Jonathan Dayton (F-PA) urged the federal government to 'prevent the settlement of Upper Louisiana, not only for the present, but forever' fearing that if 'that country is settled, the people will separate from us'. Rather than allow Anglo-American settlement in the unwanted lands, Dayton proposed that the federal government 'induce the Indians on this side to remove to the other side of the Mississippi'.[827] Around the same time, St George Tucker of Bermuda – now professor of law at the College of William & Mary – published a pamphlet analysing the Louisiana Purchase. While he had warned of the dangers of settling the Northwest Territory in his 1795 tract, Tucker was more cautiously optimistic about Louisiana. While he still believed the US had too much land, Tucker argued that the government had the opportunity 'to propose to the Indian nations now settled within the United States an exchange of lands beyond the Mississippi, for those which they now hold'. This move, he argued, would 'strengthen and cement our union beyond any other' and ensure that all the lands east of the Mississippi would be settled and cultivated by a people 'who are already civilized, who speak the same language…sprung from one common stock, cherishing the same fraternal sentiments towards each other, and the same devotion to their common country'.[828] Tucker's views on Indian removal were reprinted in the *National Intelligencer*, one of the more pro-Jefferson newspapers which historian Frank Cogliano has referred to as 'the administration's mouthpiece'.[829]

---

[826] *William Plumer's Memorandum of the Proceedings in the United States Senate, 1803-1807*, ed. Everett Brown, (New York, 1923), pp. 394, 399, 395. See also, JQA to JA, 14 Jan. 1806, MHS, AP, P-54, reel 404, fo. XXXIII 146.
[827] *Plumer's Memorandum*, p. 137.
[828] [StGT], *Reflections on the Cession of Louisiana to the United States* (Washington, 1803), pp. 24-25.
[829] *National Intelligencer*, [Washington], 19 Oct. 1803; Cogliano, *Emperor of Liberty*, p. 174.

Fig. 12



Barthélémy Lafon, *Carte Générale du Territoire d'Orléans Comprenant aussi la Floride Occidentale et une portion du Territoire du Mississipi*, 1806, Library of Congress, Washington, DC, G4010 1806.L3.

Jefferson himself found this solution appealing and, in the summer of 1803, wrote to Senator John Breckinridge (DR-KY) outlining a plan to have only the region 'from Point Coupeé to the sea' made into a territory and eventually a state (SEE FIG. 12). The remainder of territory, a vast expanse, would be best utilised 'to give establishments in it to the Indians on the East side of the Mis[sissi]p[p]i in exchange for their present country'.[830] Jefferson expanded on this plan, explaining to du Pont, that the land would be organised into 'a *Marechaussée* to prevent emigrants crossing the river'.[831] Jefferson eventually proposed a constitutional amendment to affirm the Indians' right to occupancy and self-government under the protection of the federal Union on the lands west of the Mississippi River, a move akin to the Royal Proclamation of 1763, but there was little support among his own party and the proposal

[830] TJ to John Breckinridge, 12 Aug. 1803, *TJ Papers*, vol. 41, pp. 184-86.
[831] TJ to du Pont de Nemours, 1 Nov. 1803, ibid., pp. 647-48.

withered.[832] As a result, the government's plans for Indian removal were abandoned and in 1806 when John Sibley, the Indian Agent for the Orleans Territory, reported on a land dispute in Bayou Bœuf, 80 miles west of the banks of the Mississippi (SEE FIG. 12), between a small group of American citizens and the Biloxi Indians he notified the Commissioners of the Land Office that 'I have been Instructed by the Executive of the United States to assure all the Indian Tribes that the Lands belonging to them should be & remain their property, & that all individuals, Citizens of the United States were Strictly forbidden from disturbing or interrupting them in the quiet…of the same'.[833]

REACTION TO THE PURCHASE

Within the United States the Louisiana Purchase was celebrated in many circles. The New York *Daily Advertiser* in July 1803 wrote approvingly of the 'extension of the Empire of the United States' and spoke eagerly of Louisiana's potential.[834] Public parties and celebrations were held across the country marking the occasion.[835] Politicians congratulated the President. Senator Breckinridge, for example, commended Jefferson for 'add[ing] to our empire more than two hundred Millions of acres of the finest portion of the earth, without a Convulsion, without spilling one drop of blood, without impairing the rights or interest of a single individual…an atchievement, of which the annals of no country can furnish a parallel'.[836] Similarly, another correspondent to President Jefferson wrote in 1805 that the 'happy Result' of the 'Lewisanna Purchase, and anexing it to our Empire…will be continually evidencing itself, by Giveng Peace to our Frontiers, Increasing our Trade abroad, Population at

[832] Meinig, vol. 2, p. 79.
[833] John Sibley to Land Office, 26 Jan. 1806, Howard-Tilton Library, Tulane University, New Orleans, LA, JMW Collection, LaRC MS Coll. 230, box 4, fold. 1.
[834] *Daily Advertiser*, [New York], 26 July 1803.
[835] *National Intelligencer*, [Washington], 21 May 1804.
[836] Breckinridge to TJ, 10 Sept. 1803, *TJ Papers*, vol. 41, pp. 357-59.

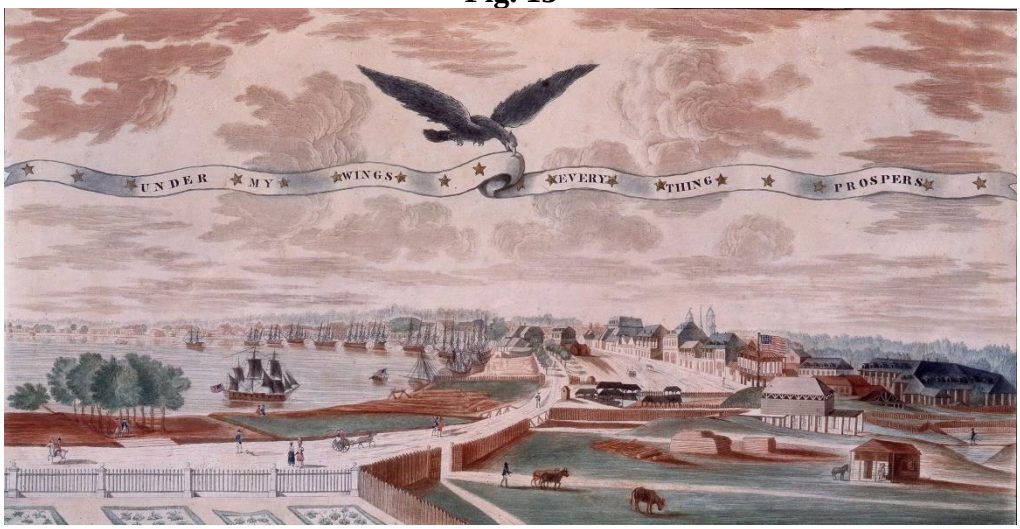
Home, and of Course our Revenues, and the ultimate Agrandisment of our Empire'.[837] As seen in the previous chapters, the description of the US as an empire did not originate with the Louisiana Purchase. The statements above show a continuation of American imperial thinking since the Revolution.

There was a sizeable American merchant community in New Orleans prior to the Purchase due largely to the right of Americans to deposit and the Mississippi River's vital importance to western trade. When the news of the US purchase of *la Louisiane* was made public, the resident Americans were among the first to be congratulated. For example, the New Orleans-based firm of Brown & McDonogh received a letter from Samuel Caldwell of Cincinnati, Ohio celebrating 'the good News I received here of New Orleans together with the Louisiana Country becoming the Property of the United States and flatter myself you will shortly have one of the finest ports in the Union'.[838] Joseph Markle of Pittsburgh, Pennsylvania similarly wrote to the mangers of the firm to 'sincerely congratulate you that you are no longer [Spanish] Dons but Americans'.[839]

To mark the US acquisition, *Orléanais* artist J.L. Bouquet de Woiseri painted *A View of New Orleans Taken from the Plantation of Marigny*, depicting the city flourishing below an American eagle carrying a banner reading 'under my wings everything prospers' (SEE FIG. 13). Woiseri's painting is indicative of the early excitement among a faction within *la Louisiane* to American annexation – primarily the merchant class and resident Americans. They believed they were headed for far brighter prospects under the protective wings of the US government. To celebrate its role in the acquisition, the Senate purchased a copy of Woiseri's work in 1804 which

[837] Oliver Whipple to TJ, 15 Feb. 1805, NARA-II, RG 59, LAR: Jefferson, M418, reel 12.
[838] Samuel Caldwell to Shepherd Brown & Co., 27 Aug. 1803, Howard-Tilton Library, Tulane, McDonogh Papers, LaRC MS Coll. 30, box 1, fold. 27.
[839] Joseph Markle to Shepherd Brown & Co., 19 Nov. 1803, Howard-Tilton Library, Tulane, McDonogh Papers, LaRC MS Coll. 30, box 2, fold. 8. See also, John Smith to Shepherd Brown & Co., 5 Sept. 1803, Howard-Tilton Library, Tulane, McDonogh Papers, LaRC MS Coll. 30, box 2, fold. 2.

Fig. 13



J.L. Bouquet de Woiseri, *A View of New Orleans Taken from the Plantation of Marigny*, 1803, Historic New Orleans Collection, New Orleans, LA.

---

was displayed on Capitol Hill.[840] Northern Federalists responded positively, albeit begrudgingly, to the acquisition of Louisiana. Even Alexander Hamilton acknowledged the country was no longer constrained by 'the force of treaties, for a place of deposit' and 'the navigation of the Mississippi will be ours unmolested'. Hamilton, however, refused to give Jefferson or the Democratic-Republicans praise; 'the acquisition has been solely owing to a fortuitous concurrence of unforseen and unexpected circumstances, and not to any wise or vigorous measures on the part of the American government'.[841] A northern Federalist senator conceded that 'the acquisition may be productive of fewer evils than would have arisen from Louisiana in the hands of the French' and noted that 'the navigation of the Atlantic states' especially from his native New England 'will be essential to the dwellers in the Mississippi regions'.[842]

While most Federalists saw the acquisition positively, New Englanders, however, were apprehensive. Senator Timothy Pickering (F-MA) remarked that the

---

[840] *Annals of Congress*, Senate, 8th Cong., 1st Sess., p. 251.
[841] *New-York Evening Post*, 5 July 1803; 'Hamilton on the Louisiana Purchase: A Newly Identified Editorial from the *New-York Evening Post*', *WMQ*, vol. 12, no. 2 (1955), pp. 268-81.
[842] Pickering to Gov. Caleb Strong, 22 Nov. 1803, MHS, Pickering Papers, P-31, reel 14, ff. 44a-45.

'people of New England (perhaps a majority) think the acquisition of Louisiana a great evil' and as a result 'the empire will be dismembered'.[843] While many had feared the dismemberment of the United States without New Orleans, New Englanders believed its acquisition would lead to it. Louisiana's economic dependence on slavery sparked deep concerns over the future balance of power among the sister states. Lower Louisiana was a major producer of cotton and indigo such that by the 1790s the Choctaw, Chickasaw, and Creek Indian nations living on the borderlands were cultivating cotton with African slaves.[844] With the collapse of Saint-Domingue as the world's largest producer of sugar, Louisiana was provided an opportunity and the colony's dependence on slave labour grew after Étienne de Boré and Antoine Morin successfully introduced sugar production in 1795.[845] In an 1803 report on the sugar industry, Boré estimated that more than 70 sugar plantations and refineries were operating in Lower Louisiana and producing 5 million pounds of sugar annually.[846]

In New England there was growing resentment on the effect of the three-fifths clause on apportionment and the diminishing clout the region held in Congress. Even Jefferson's Attorney General, Levi Lincoln – himself from Massachusetts – anticipated the acquisition of Louisiana would upset New England and the northern states by 'adding to the weight of the southern States in one branch of the Gov[ernmen]t of which there is already too great a jealousy & dread'.[847] In the spring of 1804, the Massachusetts House of Representatives passed a resolution proposed by William Ely of Longmeadow calling for the repeal of the three-fifths clause in the US Constitution

[843] Pickering to WS, 6 Jan. 1804, MHS, Pickering Papers, P-31, reel 14, fo. 79.
[844] Rothman, pp. 59-61.
[845] Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge [MA], 2013), p. 22; Rothman, pp. 75-76.
[846] ÉB, «Précis historique sur le renouvellement de la culture des cannes et de la manufacture du sucre dans La basse Louisiane», HNOC, Pierre-Clément de Laussat Papers, MS 125, fold. 195.
[847] Levi Lincoln to TJ, 10 Jan. 1803, *TJ Papers*, vol. 39, pp. 302-05.

on the grounds that 'a state where a slavery of men is established by law, the slaves have no voice in the elections – but a Planter, possessing fifty slaves, may be considering as having thirty votes, while a *farmer in Massachusetts*, having equal or greater property, is confined to a single vote'. In late summer and early autumn, a series of letters published under the pseudonym *Hortensius* were published in *The Port Folio,* a Philadelphia Federalist-leaning magazine. In letter I, *Hortensius* denounces the three-fifths clause as 'an enormous evil, and must be removed, to afford any chance for a continuance of the union of these states'. He further warned that Louisiana upon its admission to the Union 'will contribute, by the number of its slaves, to destroy the influence of the eastern states in the national government'.[848] In a subsequent epistle, he accused President Jefferson of seeking to destroy the principles of federalism; under his helm the United States 'has ceased to be an *union of states* as was intended; and has become a *Virginian government*, in which Virginia policy and Virginia interests are considered and regarded to the exclusion of the interests of the eastern and middle states'.[849] New Hampshire Senator William Plumer (F) likewise feared the new states carved out of *la Louisiane* 'will prove so many satellites moving round and subordinate to Virginia. The weight & influence of New England in the councils & legislation of the Union, will soon be reduced to a cypher'.[850] Senator Pickering's fear of disunion almost became a self-fulfilling prophesy. Because of the fear New England's clout would be diminished and that slave states would come to dominate the Union, he led an abortive attempt to separate New England from the US in 1804.[851]

ESTABLISHING AMERICAN GOVERNANCE

[848] Hortensius No. 1, 18 Aug. 1804, *Port Folio,* vol. 4, (Philadelphia), pp. 261-62.
[849] Hortensius No. 2, 1 Sept. 1804, *Port Folio,* vol. 4, (Philadelphia), pp. 274-76.
[850] Quoted in Julien Vernet, *Strangers on Their Native Soil: Opposition to United States' Governance in Louisiana's Orleans Territory, 1803-1809* (Jackson [MS], 2013), p. 39.
[851] Bradburn, *Citizenship Revolution*, p. 298; Horsman, 'The Dimensions of an "Empire for Liberty", p. 10.

Now that *la Louisiane* in its entirety had been acquired, the federal government was tasked with erecting a government and bringing the region into the American political fold. Congress enacted two statutes, one in 1804 and a second in 1805 less than a year later, which dictated the structure and form of the territorial governments for the land purchased from France. A number of scholars have adhered to what could best be described as an "aberration thesis" in regard to these statutes, arguing they represent a novel turn to imperialism, a betrayal of the American Founding, and the rejection of the territorial system laid out by the Northwest Ordinance.[852] In the 1970s, legal scholar George Dargo, for example, characterised the US as having become 'a colonial power within a generation of its own anticolonialist revolution' because of the administration it established over Orleans and Louisiana.[853] Likewise, Alexander DeConde argued that with federal legislation in 1804 'the structure of the new American empire took clear form. The people of the original nation, as represented by the president and Congress, had decided to treat [Orleans] as a colony'.[854] More recently, historian Julien Vernet has argued that under Jefferson's direction Congress established a government 'that more closely resembled a British royal colony than an American territory'.[855] Both those who interpret the Louisiana Purchase as part of a natural march to the Pacific and those who see it as an aberration have underestimated how deeply wed Americans were to colonial and imperial development.

Rather than an aberration, the federal legislation for Orleans in 1804 and 1805 show a coherence of American imperial thought and a continuation of the policies of

[852] The original 'aberration thesis' proposed by Samuel Flagg Bemis argued that the imperialism and colonialism of the United States after 1898 was a break with American political tradition; see Bemis, *A Diplomatic History of the United States* (New York, 1936).
[853] George Dargo, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions* (Cambridge [MA], 1975), pp. 23, 25.
[854] DeConde, p. 213.
[855] Vernet, p. 9.

1787. The adherents of the aberration thesis are ignorant of the existing precedent for territorial governance. Ultimately, the tiered aspect of the American Empire created by the Northwest Ordinance was preserved. Under the Northwest Ordinance, the 1804 Louisiana Governments Act, and the 1805 Orleans Government Act, the Union of States in their corporate capacity wielded significant central power. The territories were highly dependent on Congress and the federal government, replicating the centre-periphery relationship of the eighteenth-century British Empire. In the territories power was exercised top-down via a strong imperial centre. While a number of historians like Peter Onuf have argued that power was 'diffused and decentred' in the American Empire, especially as envisioned by Jefferson, and that Americans were no longer 'subject to the domineering rule of a distant metropolis, as they had been before declaring and securing their independence' this does not apply to the US territories.[856] In a state, the locus of power was held by its citizens. They drafted the state constitution and elected their legislators both in the state legislature and their representatives in the federal government. In a territory, the locus of power remained with Congress and the Union of States. The federal government dictated the structure of a territorial government and appointed a number of territorial officials. Territorial inhabitants were subject to taxes and laws passed by Congress in which they have no vote, and – although territorial inhabitants were eventually given an assembly – their laws were subject to review by Congress.

Dependency was a major part of the American imperial structure created in the 1780s and a number of legislators from both political parties acknowledged this in public debate. In October 1803, Congressman Samuel Mitchill (DR-NY) explained that a territory was 'a peculiar and mingled idea of a country' which was 'in the inchoate or

[856] Onuf, *Jefferson's Empire*, p. 53; Pagden, p. 115.

initial condition of a republic', emphasising the developmental nature of US territories.[857] Samuel Dana (F-CT) furthered Mitchill's argument, noting that in their relation to the rest of the Union, US territories were 'subordinate to and dependent on those States in their corporate capacity'.[858] Nor did congressmen in 1803 shy away from using the language of colonialism to describe that dependency. Representatives John Smilie (DR-PA) and Joseph Nicholson (DR-MD) stated matter-of-factly that US territories were viewed 'in the light of a colony' and 'in the condition of colonies', echoing the statements made by James Monroe, Arthur St Clair, and others with regard to the Northwest Territory.[859]

The 1804 Louisiana Governments Act

La Louisiane was formally handed over to the US government on 20 December 1803. Ten days later, Senator John Breckenridge (DR-KY) introduced a bill to establish a territorial government for the region which gave little local role in governance. It should be noted, however, that, according to historian Everett Brown, 'the only known extensive record of the important Senate debate on the bill providing for the government of the newly acquired territory' is New Hampshire federalist William Plumer's legislative diary.[860] As such, the record of debate is incomplete and that which does exist is likely biased towards Plumer's own views. Plumer was opposed to the Purchase from the very beginning and his record may put undue weight on arguments he sympathised with that tried to portray the Purchase and government in a negative light.

The extant legislative debates on the Breckenridge bill show a surprising (or perhaps wilful) naïveté among some senators and congressmen on the existing

[857] *Annals of Congress*, HR, 8th Cong., 1st Sess., p. 482.
[858] Ibid., HR, 8th Cong., 1st Sess., p. 487.
[859] John Smilie (DR-PA): *Annals of Congress*, HR, 8th Cong., 1st Sess., pp. 462, 512; Joseph Nicholson (DR-MD): ibid., HR, 8th Cong., 1st Sess., p. 471.
[860] Everett Brown, 'The Senate Debate on the Breckinridge Bill for the Government of Louisiana, 1804', *AHR*, vol. 22, no. 2 (1917), p. 342.

precedent for the structure and powers of territorial governments. In turn, these arguments have likely misled historians into arguing for an aberration thesis. A number of legislators believed or feared that the *Louisianais* were unready for republican self-government, sparking a debate on whether to grant the ceded territory internal elective franchise. While at first glance it may appear shocking that the federal government would even debate the idea of denying the right to vote within a US jurisdiction, it must be remembered that the first stage of territorial government under the Northwest Ordinance was entirely appointed and had no elective component.

Both of Tennessee's senators denounced the government proposed for Orleans as tyrannical. Senator William Cocke (DR) declared that 'the people of that country are free – let them have liberty & a free government'. His colleague Joseph Anderson (DR) denounced the bill for having 'not a single feature of our government in it' and accused it of being 'destructive of elective rights'.[861] Many, however, justified the lack of elected officials. Senator Samuel Smith (DR-MD) argued that the *Louisianais* 'are absolutely incapable of governing themselves, of electing their rulers or appointing jurors. As soon as they are capable & fit to enjoy liberty & a free government I shall be for giving it to them'.[862]

These points were echoed in the House. Congressman William Eustis (DR-MA) contended that the inhabitants of the purchased lands were unaccustomed to American rule of law and warned that 'the principles of civil liberty cannot suddenly be ingrafted on a people accustomed to a regime of a directly opposite hue. The approach of such a people to liberty must be gradual'. Once they 'shall be better acquainted with the principles of our Government', Eustis argued it 'will be full time to extend to them the

[861] *Plumer's Memorandum*, p. 111.
[862] Ibid., p. 120.

elective franchise'.[863] Even Jean-Baptiste Charles Lucas (DR-PA), himself a native of France who moved to the United States in 1784 at the age of 26, remarked that the *Louisianais* 'are not prepared for a government like that of the United States…it could not be said that a people thus inured to despotism were prepared on a sudden to receive the principles of our Government'.[864] As in the Senate, numerous congressmen deplored the perceived rejection of cherished principles of self-government. Representative John Jackson (DR-VA) declared himself 'unwilling to tarnish the national character by sanctioning the detestable calumny that man is not fitted for freedom'. Jackson asked his fellow legislators how the world would perceive the US after it temporarily denied elective franchise in Orleans: 'They will say we possess the principle of despotism under the garb of Republicans'.[865] George Campbell (DR-TN) similarly bemoaned that the proposed bill 'does not evince a single trait of liberty' and shamed the House, proclaiming 'I am sorry, at this enlightened day of the world, to hear arguments in favor of despotism'.[866]

At the heart of those arguing that the inhabitants of the purchased territory were unfit and unready to have the full benefits of citizenship and elective franchise was the belief that citizenship had to be earned. The Naturalisation Acts of 1790, 1795, 1798, and 1802 all emphasised that an alien could not become a citizen until he understood the principles of American republicanism and both the liberties and responsibilities of active citizenship.[867] Citizenship was thus a developmental process. Congressman Samuel Mitchill (DR-NY) articulated this most clearly of his colleagues when he argued that the *Louisianais* must be 'trained up in a knowledge of our laws and

[863] *Annals of Congress*, HR, 8th Cong., 1st Sess., p. 1058.
[864] Ibid., HR, 8th Cong., 1st Sess., p. 1061.
[865] Ibid., HR, 8th Cong., 1st Sess., p. 1071.
[866] Ibid., HR, 8th Cong., 1st Sess., pp. 1063, 1065.
[867] Peter Kastor, *The Nation's Crucible: The Louisiana Purchase and the Creation of America* (New Haven, 2004), p. 24; 1 Stat. 103 (1790); 1 Stat. 414 (1795); 1 Stat. 566 (1798); 2 Stat. 153 (1802).

institutions. They are to thus serve an apprenticeship to liberty; they are to be taught the lessons of freedom; and by degrees they are to be raised to the enjoyment and practice of independence…they will pass on from the childhood of republicanism…and arrive at the mature experience of manhood'.[868] The argument that the *Louisianais* must go through a period of development was not without precedent. The Northwest Ordinance emphasised the role of education in promoting and preserving American political ideals. The Ordinance similarly had a stadial and developmental aspect; a territory had to go through a series of different governments before attaining statehood and admission to the Union. The logic in 1804 was that the *Louisianais* could not be expected to draft a state constitution of their own until they were properly educated and inculcated with the ideals and responsibilities of US governance and citizenship. Until fully trained, they would be under the paternal care of the Union as a colonial dependency in the second tier of the Empire.

Another issue which spurred considerable debate were the enumerated powers of the governor and the President in the bill. Pennsylvania representative Michael Leib, a Democratic-Republican, disliked the government provisions for Orleans 'least of all that which gave the Governor the right of proroguing the Legislative Council' which he saw as making it 'the most dependent thing of its nature in the United States'.[869] Others opposed the President's power of appointment. John Boyle (DR-KY), for example, was 'particularly hostile to the mode of appointing the Legislative Council' and argued it would set 'a dangerous precedent for extending Executive power and patronage'.[870] Senator John Quincy Adams (F-MA) had similarly denounced the

[868] *Annals of Congress*, HR, 8th Cong., 1st Sess., pp. 480-81.
[869] Ibid., HR, 8th Cong., 1st Sess., p. 1055. For others arguing the same point, see Andrew Gregg (DR-PA): ibid., HR, 8th Cong., 1st Sess., p. 1055; James Sloan (DR-NJ): ibid., HR, 8th Cong., 1st Sess., p. 1074.
[870] *Annals of Congress*, HR, 8th Cong., 1st Sess., p. 1076.

governor's ability to prorogue the assembly and the presidential appointment as 'an act of tyranny'.[871]

The debate over the powers and authority of the governor and the appointment powers of the President indicates a wilful misreading of the Northwest Ordinance and territorial precedent. The Northwest Ordinance gave the governor the power to convene, prorogue, and dissolve the territorial assembly 'when, in his opinion, it shall be expedient' and at the time of this debate all territorial governors had the ability to prorogue their respective assemblies.[872] A number of contemporary state constitutions also gave their governors the authority to prorogue their legislatures; however, these governors were not centrally appointed and thus were accountable to their citizens.[873] In his study of territorial government, Jack Eblen found that territorial governors 'used the power [to prorogue] frequently without precipitating conflicts'. While there was some resistance to granting territorial governors the power to prorogue their assemblies, the power was fully granted in Orleans; it was only in 1812 that Congress first denied a governor the prerogative and only after the Alabama Act of 1817 that it was not granted again.[874] While territorial prorogation was becoming controversial, it took nearly a decade to be snuffed out. Centrally appointed officials were the norm in territorial governance. The President appointed the council of judges in the first stage of other territorial governments and appointed the Legislative Councils of second stage territories, albeit from a list compiled by the assembly.[875]

---

[871] *Plumer's Memorandum*, p. 145.
[872] *JCC*, vol. 32, p. 317.
[873] For example, the constitutions of New York (1777) and New Hampshire (1784) gave their governors outright authority to prorogue. The Massachusetts Constitution of 1780 gave the governor the ability to prorogue only with the assent of the Privy Council and under the 1790 Constitution of Pennsylvania the governor could only prorogue the assembly when a dispute arose on when to adjourn.
[874] Eblen, p. 177; 2 Stat. 743 (1812); 3 Stat. 371 (1817).
[875] 1 Stat. 52 (1789).

Senator Adams complained that the 1804 Governments Act created 'a Colonial system of government…the first the United States have established'.[876] He charged it with containing 'arbitrary principles, principles repugnant to our Constitution'. The Legislative Council was to be nominated by the governor, an officer he denounced as 'a creature of the President's [and] not elected by the people'.[877] At the time of the debate, no territorial governor had ever been popularly elected and none would be until 1948 when Puerto Rico was granted the authority by Congress.[878] As of 2019, no territory which has become a US state has had the ability to elect its territorial governor; the governors of Alaska and the Hawaiian Islands were White House appointees until achieving statehood in 1959. Adams also took issue with the provision that the Louisiana District would be governed by a governor and a council of judges who together would act as a legislature as prescribed by the Northwest Ordinance. Granting judges the ability 'to legislate – make laws & expound them', Adams argued, was 'of the essence of tyranny'.[879]

After a proposal to tax the people of Louisiana, Adams introduced resolutions condemning such a move. He argued that 'any act of Legislation for imposing taxes upon the inhabitants of Louisiana without their consent' would set a dangerous precedent and endanger 'the liberties of the people of the United States'.[880] In actuality, Congress had taxed its territories without consent before. Both the Whiskey Excise of 1794 and the federal Stamp Act of 1797 – the latter, incidentally, enacted during his father's presidency – applied to the Northwest Territory prior to it having an elected assembly or a non-voting delegate in Congress.[881] Adams's resolutions regarding the

[876] *Plumer's Memorandum*, p. 145.
[877] Ibid., p. 144.
[878] 61 Stat. 770 (1947).
[879] *Plumer's Memorandum*, p. 144.
[880] *Annals of Congress*, Senate, 8th Cong., 1st Sess., pp. 228-29.
[881] 1 Stat. 378 (1794); 1 Stat. 527 (1797). The NWT only received its delegate to Congress in 1799.

taxation of the territory were all voted down. The provisions Adams attacked as 'colonial' all had precedent in prior American territorial practice.

While it is perhaps tempting to attribute the stiff opposition to the bill to men who sought to overhaul the restrictive and dependent nature of territorial governance and the territorial relationship with the federal government, these men did not express great opposition to the extension of the Northwest Ordinance to Indiana in 1801 or to Michigan in 1805.

While the debates on the Breckinridge Bill present a wilful and designed misunderstanding of territorial precedent, the statute was passed on 26 March 1804. The Louisiana Governments Act of 1804 split *la Louisiane* into the Territory of Orleans – an area largely coterminous with the modern state of Louisiana – with the remainder organised as the Louisiana District. Although some complained in the Senate and the House of Representatives – including a number of Jeffersonian Democratic-Republicans – that the system of territorial government in Orleans was un-American or an innovation, their arguments failed to gain support. The statute stipulated that in Orleans legislative authority was vested in the presidentially appointed governor 'and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein'. The governor and Legislative Council together had the ability to legislate on all matters and were restrained only in that 'no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions or worship'. And, as in the Northwest Ordinance, all

territorial laws were required 'to be laid before Congress' for review and could be nullified.[882]

The powers and obligations of the governor of Orleans were the same as in other territories; he held his position at the president's pleasure, he was required to send reports to the federal government, he was empowered to 'convene and prorogue the legislative council, whenever he may deem it expedient', and had the authority 'to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for'.[883] Unlike in the Northwest Territory, the governor and Legislative Council of Orleans had the ability to create new laws and were not bound to borrowing or adapting 'such laws of the original States'.[884] The governor and the council therefore had marginally greater power than the governor and the council of judges were granted in the Northwest Ordinance.

In essence, the 1804 government combined the first and second stages of territorial development: rather than being governed by a governor and a council of judges all appointed from outside the territory – there was an appointed Legislative Council made up of territorial residents providing a modicum of representation. Eschewing the elected assembly, Legislative Councillors were appointed at presidential discretion as there was no lower body in the territory to nominate them. This was not lost on government officials. Congressman James Holland of North Carolina (DR) remarked that the government for Orleans occupied an in-between space; it 'is not equal to the second grade' of territorial government but 'is certainly superior to the first'.[885] Jefferson, who drafted the original bill introduced by Breckenridge, himself understood the provisions to be a modification of the first stage of territorial government; he

[882] 2 Stat. 283 (1804).
[883] 2 Stat. 283 (1804).
[884] *JCC*, vol. 32, p. 315.
[885] *Annals of Congress*, HR, 8th Cong., 1st Sess., p. 1073.

believed that the Legislative Council would 'be a small improvement' of the 'first grade of [territorial] government' and 'will not be a greater departure from sound principle'.[886]

Julien Vernet has grossly overemphasised the differences between the Northwest Ordinance and the government of Orleans and fails to recognise existing territorial precedent. He contends that the 1804 Governments Act 'empowered the president, through his appointed officials, to govern' Orleans.[887] While this is true, presidentially appointed officials were the norm in all US territorial governments. The Northwest, Southwest, Indiana, and Mississippi territories had all undergone periods of direct rule by appointees alone. Vernet continues, arguing that Jefferson and his administration sought to govern Orleans 'as England had governed the thirteen colonies'.[888] Vernet mistakenly sees this as a break with the past. As noted in the preceding chapter, Congress modified British colonialism to suit the needs of a republic and James Monroe notably argued in 1786 that US territories ought to have 'a colonial government similar to that which prevail'd in these States previous to the revolution'.[889]

Vernet notes that 'the system of government established by the Quebec Act is remarkably similar' to the government established for Orleans in 1804 and argues that '[i]n both cases, the absence of representative institutions would ensure that Catholic inhabitants could exert little influence within provincial government'.[890] As I have argued in the previous chapter, portions of the Northwest Ordinance have structural similarities to the Quebec Act. While there was a change in territorial policy with the acquisition of Louisiana, it was a relatively minor one. During the year that the

[886] TJ to Thomas McKean, 17 Jan. 1804, *TJ Papers*, vol. 42, pp. 307-08.
[887] Vernet, p. 37.
[888] Ibid.
[889] Monroe to TJ, 11 May 1786, *TJ Papers*, vol. 9, pp. 510-12.
[890] Vernet, p. 40.

Louisiana Governments Act was in effect, Jefferson urged Governor William Claiborne to take great pains to choose near equal numbers of 'French who speak the American language, & Americans who speak the French' when selecting appointees to the Legislative Council.[891] Although not representative of demography – the *Orléanais* outnumbered Anglo-Americans – the council equally represented cultural interests. Vernet's claim that the 1804 Act was intended to prevent French Catholics from holding office in Orleans does not hold. Jefferson instructed Claiborne to select an equal number of French and American members to the Legislative Council and the first president of the council was Julien de Lallande Poydras. Nor was Jefferson's approach to appointments unusual. After the US received Detroit and Wayne County from the British in 1796, the acting governor of the Northwest Territory took a similar approach and divided appointments to the local courts in the ceded area between Anglophone and French residents.[892] Under the 1805 Act, as was normal in other territories, the legislative council was appointed by the president from a list drawn by the territorial House of Representatives; in Orleans this resulted in an exclusively *Louisianais* council when the new government took seat in 1806.[893] It is also worth noting that there were a number of French-speaking Catholics appointed to the first Legislative Council governed by the Quebec Act such as François-Marie Picoté de Belestre, Claude-Pierre Pécaudy de Contrecœur, Luc de la Corne, Gaspard-Joseph Chaussegros de Léry, and Charles-François Tarieu de la Naudière.

While some historians argue the 1804 government of Orleans was an enormous departure from precedent, its deviation has been exaggerated. The 1804 Act created what was essentially a hybrid of the first and second stages of territorial development

[891] TJ to Claiborne, 30 Aug. 1804, LoC, JP, MS 27748, ser. 1, reel 31, 24806.
[892] Cangany, *Frontier Seaport*, p. 128.
[893] Dargo, p. 48.

established in the Northwest Ordinance. The council of judges from the first phase of territorial government were appointed by the President with no input from the settlers and together with the governor passed legislation; the unicameral Legislative Council of Orleans was effectively an expanded form of the council of judges. Historian Peter Kastor is a rare exception to the aberration thesis. He has acknowledged that the Governments Act of 1804 did not deviate greatly from the Northwest Ordinance and 'following the precedent established in other territories', guaranteed Orleans would have no elected officials.[894] The 1804 Act was a continuation of the established policy of complete territorial dependency.

Additionally, within empires it was not unusual to have varied structures of government. In the British Empire of the late eighteenth century there was the subordinate parliament and Lord Lieutenant of the Kingdom of Ireland; the Crown Governor, appointed Council, and elected Assembly in much of British America and the British West Indies; the Crown Governor and the single appointed Legislative Council of Québec; and the Commodore system of Newfoundland in which all legislative authority was vested in a Crown-appointed governor who was simultaneously the Royal Navy commodore of the annual fishing fleet to the island.[895] The Crown's power of appointment varied from province to province.

Among the states in the Union, there were (and continues to be) significant variations between governments. While this is the result of the fact that the citizens of a state draft their own constitution, it nevertheless highlights the degree of variance in governmental and legal structure within the United States. For example, under the 1776

[894] Kastor, *Nation's Crucible*, pp. 46, 51.
[895] For the colonies of British America and the West Indies, see Labaree, *Royal Government in America* (New Haven, 1930). For Québec, see Coupland, *The Quebec Act* (Oxford, 1968). Newfoundland did not have a civil administration until 1791, a civil governor until 1825, or a legislative assembly until 1832; see Jerry Bannister, *The Rule of the Admirals: Law, Custom, and Naval Government in Newfoundland, 1699-1832* (Toronto, 2003), pp. 104-255.

constitution of Virginia, the governor was elected annually by joint ballot of both Houses of Legislature. The Virginian governor was advised by a privy council and the constitution explicitly denied him the power to prorogue the assembly. He lacked broad appointment power, instead both Houses of the Assembly elected by ballot the judges of the Supreme Court of Appeals and the General Court as well as the judges in Chancery, judges of Admiralty, and the Attorney-General. Unlike Virginia, Pennsylvania's 1790 constitution stipulated that the people at large elected the governor who had no formal advisory council. The governor appointed all state judges and could only prorogue the assembly when a dispute arose on when to adjourn. Like Pennsylvania, Ohio's 1803 constitution stipulated that the state executive was popularly elected and was able to prorogue the assembly only when the two houses disagreed on when to adjourn. Like Virginia, Ohio's constitution gave the power of judicial appointment to the legislature which would elect judges by a joint ballot of both Houses.[896]

Territorial governance remained non-uniform after the repeal of the Governments Act of 1804. Starting in 1808, Congress began allowing for direct election of territorial delegates; first in Mississippi followed by Indiana in 1809, Illinois in 1812, and Missouri in 1817. Several territories were also granted direct election of their Legislative Council members; however, direct election of councillors and the territorial delegate was never extended to Orleans. The Mississippi, Alabama, and Missouri territories were similarly not granted the authority to elect councillors.[897]

[896] The structure of state government remains non-uniform today: as of 2019 Nebraska has a unicameral legislature; Massachusetts and New Hampshire have privy councils; the President of the Senate in Tennessee and West Virginia also serves as lieutenant governor and is elected from within the legislature; Arizona, Maine, New Hampshire, Oregon, and Wyoming have no lieutenant governor; the governor in Massachusetts and New Jersey appoints all state court judges; supreme court justices are popularly elected in Alabama, Illinois, Louisiana, Pennsylvania, North Carolina, and Texas.
[897] Eblen, pp. 164, 159.

There are some instances in which the provisions for Orleans diverged markedly from the Northwest Ordinance; however, these are not the provisions highlighted by Dargo, DeConde, or Vernet. For example, the 1804 Governments Act contains no provisions for the support of education. Although the educational provisions of the Northwest Ordinance did not work well in practice, it is nonetheless surprising that the federal government made no similar arrangements for Orleans, especially considering the greater need to teach the *Louisianais* Anglo-American political principles and the English language. The statute also makes no mention of a territorial delegate to Congress. During the legislative debates, Senator James Jackson (DR-GA) opposed an amendment which would have allowed the Legislative Council to elect a delegate to Congress on the grounds that '[i]t is too soon'. Others argued that as the council was appointed by the president, it would represent the interests of the White House and not the people of the territory.[898] Given, however, that this was a hybrid of the first and second phases of government from the Northwest Ordinance and as there was no elected assembly to select a delegate, the lack of a territorial delegate is not altogether surprising.

The 1805 Government of Orleans Act

The series of *Orléanais* complaints presented to the federal government after the Governments Act of 1804 ultimately provoked Congress to restructure Orleans. The most important of these was the Remonstrance of 1804 and the three-man delegation sent to plead to both the House and Senate (the remonstrance is treated in greater detail in the 'Political Frustration' section below). After very little legislative debate in either chamber, Congress passed the Government of Orleans Act on 2 March 1805. The

[898] *Plumer's Memorandum*, p. 108. The senators who argued a council-chosen delegate would only represent the President's interests were John Quincy Adams (F-MA), Samuel White (F-DE), and Stephen Bradley (DR-VT).

statute established that the new territorial government would be 'in all respects similar…to that now exercised in the Mississippi territory', itself a light modification of the Northwest Ordinance. As before, the President with the advice and approval of the Senate appointed the governor, secretary, and 'all the officers necessary therein'. The governor retained the power to prorogue the assembly whenever he deemed it expedient. Orleans was raised to the second stage of territorial government under the 1787 model, an elected assembly was created and the governor called on to organise the election of 25 representatives. The Legislative Council remained appointed by the President, but its councillors, as in all territories, were drawn from a list of nominees compiled by the territorial House of Representatives. Lastly, the statute laid out a definitive endpoint to territorial rule: once Orleans had 60,000 free inhabitants 'they shall be thereupon authorized to form for themselves a constitution and state government, and be admitted into the Union upon the footing of the original states'.[899]

The following day, Congress passed a second statute which restructured the Louisiana District into the Territory of Louisiana and granted the people a resident governor and a local legislature consisting of an appointed council of judges and governor. Unlike Orleans, Louisiana was not given a population requirement.[900] Vernet in particular has used the lack of the population requirement in both the 1804 Act and the 1805 Act for Louisiana to accuse the federal government of treating the territorial inhabitants more as subjects than citizens by empowering the 'president and Congress, not the population of inhabitants' to determine 'when a territory should have an elected assembly or be admitted as a state' and claims that 'Western expansion after the Louisiana Purchase would be based on this principle'.[901] This is, however, far less of

[899] 2 Stat. 322 (1805).
[900] 2 Stat. 331 (1805).
[901] Vernet, pp. 10-11.

an innovation than portrayed by Vernet. When Congress admitted Ohio to the Union, it dropped the 60,000-population requirement of the Northwest Ordinance and adopted a policy of allowing territories to petition for statehood whenever they desired. Jack Eblen adroitly notes that '[s]ince, under the [Northwest] Ordinance, Congress had reserved the right to admit states with fewer than 60,000 people, the deletion of the requirement in fact served no purpose and did nothing to alter the course of admissions'.[902] This amendment put greater power in the hands of territorial assemblies to determine their own fate rather than wait for natural population growth. Orleans was likely given an explicit population requirement given the impatience its inhabitants had on being admitted to the Union as a state to shut down any attempt at an immediate application.

CULTURAL AND POLITICAL TENSIONS

Anglo-American Anxieties

The Louisiana Purchase presented the US government with the new problem of incorporating a substantial white, non-Anglophone population unaccustomed to republicanism into American society. Although the Northwest Territory had small pockets of *Québécois*, they did not pose the same problems as the sizeable French population in *la Louisiane*. In the Northwest, the *Québécois* were dispersed and the influx of American settlers meant their influence was quickly diluted. Additionally, the *Louisianais* were politically and culturally unique in a way that the Dutch of New York and New Jersey and the Germans of Pennsylvania were not. Both these groups had arrived during (or pre-dated) the British period and had taken part in the revolutionary struggle. And, while both the Dutch and the Germans retained their languages into the

[902] Eblen, p. 229.

second-half of the nineteenth century, by 1800 they were increasingly bilingual.[903] Most important, however, was the fact that these groups had come to fully understand American political ideology surrounding government and politics. The US was most concerned with preserving its political ideas than with purity of the Anglo-American stock.

The fear was that the *Orléanais* would continue to operate under too much of an Old World, *ancien régime* mindset to be able to immediately become active participants in the American Empire. This was the same fear Americans had of all foreigners. Since the 1790s, many national political leaders had emphasised that foreigners, regardless of their national origin, could become US citizens so long as they came to fully understand the basic principles of American republicanism and the liberties and responsibilities of citizenship. Ideology counted far more than ethno-national background, but the American preference was, nonetheless, heavily weighted in favour of Protestant Europeans.[904]

Soon after the Purchase, an essay speculating on the future of the Republic was published in the *American Register*, in which the author presented the image of a

---

[903] Nicoline van der Sijs, *Cookies, Coleslaw, and Stoops: The Influence of Dutch on the North American Languages* (Amsterdam, 2009), pp. 32-33; Joyce Goodfriend, *Before the Melting Pot*: *Society and Culture in Colonial New York City, 1664-1730* (Princeton, 1992), pp. 178, 187-91; Steven Nolt, *Foreigners in Their Own Land: Pennsylvania Germans in the Early Republic* (State Park [PA], 2002), p. 17. A number of Dutch New Yorkers were active during the Revolution and participated in post-Revolutionary politics. For example, Philip Schuyler, Abraham Ten Broeck, and Pierre van Cortlandt all served as generals in either the Continental Army or state militia during the Revolutionary War. Leendert Gansevoort was one of New York's delegates to Continental Congress. And, Jeremiah van Rensselaer was one of the first congressmen to represent New York in the federal House of Representatives. Pennsylvania Germans likewise took part in the revolutionary struggle and Congress raised a German Regiment specifically for the ethnic Germans of the Delaware Valley. The first speaker of the federal House of Representatives, Frederick Mühlenberg, is one of the most notable post-war examples of German involvement in national politics. However, as Steven Nolt notes, in the late 1780s the Pennsylvania Germans 'had actually taken only initial, cautious steps toward any significant involvement in mainstream public and political life'. It should also be noted that the situation of the Dutch in New York was different from the Palatinate Germans in Pennsylvania. The Dutch had been the dominant cultural and political group at the time of the handover in 1664; New York had been a Dutch colony and thus the Dutch were better integrated in the post-conquest years. Pennsylvania's Palatinate migrants arrived in the early 1700s as imperial outsiders.

[904] Nolt, pp. 21-22; Kastor, *Nation's Crucible*, p. 24.

homogenous United States unified around a common British heritage, writing that the 'American empire is formed by commerce, and the arts of peace; by people arising from the same stock emigrating from the same country, possessing the same language, religion, laws, manners, and pursuits'. While the author acknowledged 'small variation in some districts, owing to the intermixture of Germans', he argued this formed 'only a very slight exception, which will be entirely done away in the course of very few generations' through continued assimilation. This notion of a culturally monolithic society was, of course, a myth even in 1804, which ignored the presence of other European migrants as well as excluding the numerous Indian nations, free and enslaved Blacks, and mixed-race peoples who were overwhelmingly not considered to be "properly" part of American society. The article celebrated 'the cession of Louisiana' for its 'vast increase of territory', but also lamented the creeping in of the 'pernicious morals of the French refugees from St. Domingo' into American society.[905] The anxiety around 'pernicious morals' of immigrants, however, highlights the importance of assimilation both politically and culturally in naturalisation.

While debating legislation to create the temporary government for Lower Louisiana, Congressman Roger Griswold (F-CT) argued that the 'incorporation of a foreign nation into the Union' such as the *Louisianais* would destroy 'the perfect union' of the states by allowing 'an alien and a stranger to share the powers of Government'.[906] Indicative of such biases and fears, in March 1804 Kentucky Governor James Gerrard issued a circular letter to the field officers under his command reminding them and the citizens of Kentucky that the 'people of Louisiana, instead of being our enemies or our rivals, are become our brothers. In our intercourse with them it will be our duty to

[905] 'Thoughts on the Probable Duration of the American Republic', *Literary Magazine and American Register*, vol. 2, no. 9 (Philadelphia, June 1804).
[906] *Annals of Congress*, HR, 8th Cong., 1st Sess., pp. 461-62.

consider them as such. Speaking a different language, deriving their origin from different countries…We must view them, not as Frenchmen or Spaniards – but as Americans…To little purpose would it be that the boundaries of the American Empire are extended, unless the moral ones receive an equal extension'.[907]

Assimilation was not always a smooth path, especially considering that the *Louisianais* became Americans by a treaty they had no input on. In his reports to the Secretary of State, the Governor William Claiborne of the Orleans Territory remarked that while 'a decided majority of the inhabitants continue well disposed to the Government of the United States' there remained a strong party 'fixed in their attachments, and devoted to the interest of France', a small circle of whom hoped 'that at the close of the war between England and France, the Great Bonaparte will again raise his standard in this country'.[908] A notable incident occurred on Bastille Day 1804, when a number of *habitants* assembled in New Orleans at Place d'Armes to celebrate, singing patriotic songs and flying the tricolour. These expressions of French patriotism, especially raising the tricolour, incensed resident Americans and Claiborne reported that 'it required some address to prevent their taking it down by violence'.[909]

Between 1793 and 1804, refugees fleeing the growing instability and upheaval in Saint-Domingue arrived in New Orleans and St Louis in large numbers. In 1809, in retaliation for Emperor Napoléon's overthrow of Spain's Bourbon monarchy, Cuban officials deported the island's *Saint-Domingois*. In 1809 alone, more than 10,000 Francophone refugees – divided almost equally between whites, free people of colour, and the enslaved – arrived in Orleans.[910] The influx increased tensions between cultural

[907] *New-Jersey Journal*, 17 Apr. 1804.
[908] Claiborne to Madison, 6 Feb. 1804, NARA-II, RG 59, TP: Orleans, T260, reel 3, fo. 182; Claiborne to Madison, 10 Jan. 1804, *Madison Papers*, SSS, vol. 6, pp. 329-31.
[909] Claiborne to Madison, 15 July 1804, NARA-II, RG 59, TP: Orleans, T260, reel 4, fo. 90.
[910] Paul LaChance, 'The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration and Impact', *LaH*, vol. 29, no. 2 (1988), pp. 109-41; Johnson, *River of Dark Dreams*, p. 33.

groups in the territory and one resident complained to Henry Clay that the *Saint-Domingois* 'act and speak as if' Orleans 'were already a French province'. The territory had, in his mind, become only 'nominally American' and he hoped the French would be barred from participating in local and territorial government in order to keep the region under US control.[911] The problem was not the influx of ethnic Frenchmen, but the influx of foreign political ideas; it was a matter of loyalty to the US and to American ideals of government, politics, and legal rights.

Clashes with the *Louisianais*

Anglo-Americans were a decided minority in *la Louisiane* at the time of the transfer but had long been the source of imperial tensions. Spanish and French authorities were concerned about the growing presence of Americans in the colony. After 1796, the majority of new settlers in *Luisiana* were Americans, who further entangled the economy of the province with the United States. By 1800, Spanish Foreign Minister Don Mariano de Luis de Urquijo complained that *Luisiana* had cost Spain more than it was worth and the influx of American settlers threatened Spanish sovereignty.[912] In response, Miguel Cayetano Soler, the Spanish Secretary of State and Secretary of the Treasury, issued a decree in July 1802 stating that henceforth 'no se haga concesión alguna de tierras a Ciudadanos los Estados Unidos de América' in *Luisiana*.[913] Similarly, in October 1802, months before he would leave Europe for the colony, the French Préfet of *la Louisiane*, Pierre-Clément de Laussat, was troubled by the «immigration des Anglo-Américain de l'ouest vers la Louisiane». In a report to First Consul Napoléon Bonaparte, Laussat complained «Les Anglo-Américains usent et

[911] James Brown to Henry Clay, 26 Feb. 1810, *Papers of Henry Clay: The Rising Statesman, 1797-1814*, vol. 1, ed. James Hopkins, (Lexington, 1959), pp. 453-54.
[912] DeConde, pp. 64, 72, 92.
[913] Decreto del Secretario de Estado y Despacho de Hacienda, 22 July 1802, HNOC, Myra Clark Gaines Collection, MS 312, fold. 1: 'no land grants will be made to citizens of the United States of America'.

abusent de la navigation libre du Mississip[p]i: au travers de la Nouvelle-Orléans sous prétexte de pourvoir leurs établissement sur la gauche du fleuve, ils inondent de merchandises de contrabonde». New Orleans was essential to the success of *la Louisiane*, but Laussat warned Bonaparte that if France were to continue to grant Americans free access to the Mississippi River and the right of deposit, the city would «tournerait toute entiere au profit des Anglo-Américains».[914]

The *Louisianais* had been ecstatic at the prospect of being reunited with France. The residents of Poste des Attakapas, a settlement 100 miles west of New Orleans (SEE FIG. 12), addressed Laussat expressing their great joy at the end of «cette cruelle Separation» and exclaiming with pride that «le vœu le plus ardent de nos cœure est rempli…nôtre sol est redevenu Français».[915] The *habitants* of Côte des Allemande (SEE FIG. 12) similarly addressed the Prefect celebrating «L'heureuse perspective» of becoming French citizens again.[916] This collective joy was short lived. As rumour of the cession of *la Louisiane* to the United States grew, public addresses of respect and elation gave way to accusation and betrayal. For example, in August, Étienne Viel – a prominent resident of Attakapas – wrote to Laussat venting his frustration at France's sale of the colony. News of the transfer had left him «perdu dans cet affreux Labyrinthe» of confusion; his «cœur» was «froissé».[917] The *Louisianais* had been made Americans against their will on the eve of being re-united with their ancestral mother country.

---

[914] Pierre-Clément de Laussat à Napoléon Bonaparte, 21 Oct. 1802, HNOC, Laussat Papers, MS 125, fold. 59: 'immigration of Anglo-Americans from the west into Louisiana'; 'the Anglo-Americans use and abuse the free navigation of the Mississippi: through New Orleans under the pretext of providing their settlements on the left [side] of the river, they flood the city with contraband goods'; 'would turn entirely to the benefit of the Anglo-Americans'.

[915] Les habitants des Attakapas à Laussat, May 1803, HNOC, Laussat Papers, MS 125, fold. 166: 'this cruel Separation'; 'the most ardent wish of our hearts is fulfilled…our soil has become French again'.

[916] Les habitants de la Côte des Allemande à Laussat, 31 Mar. 1803, HNOC, Laussat Papers, MS 125, fold. 104: 'the happy prospect'.

[917] Étienne Viel à Laussat, 13 Aug. 1803, HNOC, Laussat Papers, MS 125, fold. 239: 'lost in this awful labyrinth'; 'heart'; 'crushed'.

The formal transfer of sovereignty occurred on 20 December 1803 and a series of ceremonies marked the exchange of power. Almost immediately after the US territorial administration took control of Louisiana and Orleans, there were clashes between the *ancien Louisianais* and the Anglo-Americans. The *Moniteur de la Louisiane* reported that on the day of the transfer of sovereignty «[u]n assez gros peloton d'Américains assemblée à quelques par de l'Hôtel de ville crié *Huzza* en agitant leurs chepeaux». While there was a great deal of excitement among merchants and resident Americans, the general mood was sombre and many of the *Orléanais* were reported to have «la douleur & l'émotion le peignaient sur la plupart des visages, & on voyait de toutes parts des larmes rouler dans les yeux».[918] Thereafter, there was growing resentment at the perceived rapid cultural Americanisation.

Balls were a frequent and important part of French culture in New Orleans. Of course, balls were also common fixtures in British and Anglo-American society, but not to the degree to which they were in Orleans; most American visitors were perplexed by the value locals placed on public dances.[919] A ball was held on 20 December in the city's Salle de Condé ballroom to celebrate and commemorate the handover of the territory to US authority. A number of balls were also held throughout January 1804, unrelated to the transfer of sovereignty or the modern hedonistic bacchanalia of *Mardi Gras* for which New Orleans is now known. These events became cultural flashpoints in the early years of American rule. The handover ball is significant for the reason that it was not disorderly, which was not necessarily because it was attended by pro-

[918] *Moniteur de la Louisiane*, [Nouvelle-Orléans], 2 Jan. 1804: 'A fairly large group of Americans assembled a few [steps] from City Hall shouting *Huzza* and waving their hats'; 'pain & emotion painted on most faces, & tears were seen everywhere rolling from their eyes'. This incident was raised in the House of Representatives during the debates on the 1804 Governments Act; *Annals of Congress*, HR, 8th Cong., 1st Sess., pp. 1061, 1070.

[919] R Randall Couch, 'The Public Masked Balls of Antebellum New Orleans: A Custom of Masque outside the Mardi Gras Tradition', *LaH*, vol. 35, no. 4 (1994), pp. 403-08.

annexationists; local men and women of all political persuasions would have attended on the grounds of sociability. It instead shows the fermentation of resentment.

On 5 January, two weeks after the handover, a small 'fracas' occurred at a public ball 'between some young Americans & Frenchmen, whether American or French dances should have a preference'. Americans preferred English-style country dances like the Virginia reel rather than French *contredanses* like the quadrille. Governor Claiborne, who attended a number of public balls in an attempt to integrate into society, remarked that the scuffle at the 5 January ball was minor and only 'occasioned some warmth'. However, the heat continued to rise and by the end of the month reached boiling point.[920] On 22 January, a riot erupted at a public ball in the Salle de Condé over cultural differences. Towards the end of an English dance, a group of *Orléanais* demanded a waltz causing the music to stop. The French accused the Americans of 'forc[ing] the dancing of English dances'. The cultural dispute intensified when a group of Americans began singing *Hail Columbia* 'which was attempted to be interrupted by some Frenchman singing the Marseilles Hymn'.[921] Before departing for his new position in Martinique, Laussat wrote to the French Minister of the Marine and the Colonies noting that since Americans «pris les rênes» there had been a number of «tumultes» at the city's public balls over the choice of «des contre danses anglaises ou des contre danses françaines»; these conflicts ultimately led people to avoid the balls altogether. Laussat blamed Governor Claiborne and General Wilkinson for taking part in and stoking «ces querelles».[922] By October 1804, a number of prominent inhabitants

[920] Claiborne to Madison, 10 Jan. 1804, *Madison Papers*, SSS, vol. 6, pp. 329-31.
[921] George Morgan, Report of American Commissioners Relative to a Riot Commenced at a Public Ball, 28 Jan. 1804, NARA-II, RG 59, TP: Orleans, T260, reel 3, fo. 139. *Hail Columbia* was at the time the equivalent of the US national anthem; it was first composed in 1789 for GW's inauguration and later set to lyrics in 1798. The *Marseillaise* became the anthem of the French Republic in 1795.
[922] Laussat à Denis Decrès, 8 Apr. 1804, HNOC, Laussat Papers, MS 125, fold. 576: 'took the reins'; 'tumults'; 'English contradances or French contradances'; 'these quarrels'.

accused the US government of unfairly looking down upon «le caractère des Louisianais, et sur leur civilisation».[923]

Laussat maintained that the «introduction brusque de la langue anglais» was a major source of conflict in American Louisiana.[924] Less than two weeks into American rule, Governor Claiborne complained '[n]ot one in 50' of the *Orléanais* could 'understand the English language'.[925] Claiborne himself spoke no French which proved to make the early years of his governorship over a Francophone community difficult. Within two months of taking control of the territory, the Mayor of New Orleans complained to President Jefferson about Claiborne's lack of language skills, emphasising that «il est indispensable que les chefs de la Louisiane possedent la langue française comme l'anglaise».[926] Jefferson initially wished to appoint the Marquis de Lafayette or James Monroe but both declined the position. Jefferson later stated to John Dickinson that he had selected Claiborne because he was 'a firm republican' and because no one else would accept the position: 'I know of no better man who would accept of it, and it would not be right to turn him out for one not better'.[927] Claiborne had some familiarity with territorial governance; he was Governor of the Mississippi Territory, but his tenure was brief and he remarked halfway through that '[m]y Residence in the Mississippi Territory has not been sufficiently long to enable me to estimate all its advantages'.[928]

---

[923] Les Membres du Comité de la Louisiane à TJ, 1 Oct. 1804, LoC, JP, MS 27748, ser. 1, reel 31, 23939: 'the character of the *Louisianais* and their culture'.
[924] Laussat à Decrès, 8 Apr. 1804, HNOC, Laussat Papers, MS 125, fold. 576: 'sudden introduction of the English language'.
[925] Claiborne to Madison, 2 Jan. 1804, NARA-II, RG 59, TP: Orleans, T260, reel 3, fo. 10.
[926] ÉB à TJ, 10 Feb. 1804, LoC, JP, MS 27748, ser. 1, reel 29, 23937: 'it is essential that the leaders of Louisiana speak French as well as English'.
[927] TJ to John Dickinson, 13 Jan. 1807, LoC, JP, MS 27748, ser. 1, reel 37, 28787. On Monroe and Lafayette, see Vernet, p. 32.
[928] Claiborne to Jonathan Dayton, 18 Mar. 1802, Howard-Tilton Library, Tulane, Gov. Claiborne Papers, LaRC MS Coll. 427, fold. 1.

The language barrier was such that the 1804 Legislative Council hired Louis Moreau-Lislet, a *Saint-Domingois* refugee, as its official interpreter and translator. Even with translators, the governor complained two years later that proceedings in the Principal, the seat of the Territorial Assembly, were plagued by gridlock: 'The difference in language and the jealousy which exists between the ancient [French] and modern [Anglo-American] Louisianians are great Barriers to the introduction of that harmony and mutual confidence which I so much desire'.[929]

The introduction of the American legal system also became a source of tension. Both the 1804 and 1805 acts partially extended common law to Orleans, requiring jury trials in criminal cases and leaving the option up to litigants in other cases. The *Orléanais* found much of the American legal system burdensome and wanted to retain elements of the French and Spanish civil law systems they were familiar with. Although both these federal statutes created a semi-mixed legal system, this was intended to be only temporary. According to George Dargo, Jefferson and most Americans 'believed in the necessity of legal uniformity as a strand in the web of national unity' and it was assumed that as the *Louisianais* became Americanised, so too would their legal system.[930]

Frank Cogliano has noted that 'Jefferson believed that Americans should be bound by the common political and constitutional principles of the unique American empire. Subscription to these values would be the test of American identity'.[931] Dargo notes that Jefferson and his administration intended to pursue a general policy of assimilation; 'the United States government intended to transform the demographic

[929] Claiborne to Madison, 16 May 1806, NARA-II, RG 59, TP: Orleans, T260, reel 8, fo. 151.
[930] Dargo, pp. 105-07.
[931] Cogliano, *Emperor of Liberty*, p. 180.

composition, the culture, and the political orientation' of Orleans and Louisiana 'in order to bind it more closely to the still fragile union of American states'.[932]

As mentioned previously, common law was a defining pillar of American British imperial identity prior to the Revolution and remained an important facet of American notions of liberty and political freedom. There were profound procedural and philosophical differences between common law and civil law as practised in *la Louisiane*. Common law put supreme importance on case law and precedence in stark contrast to civil law's reliance on written code and philosophical tracts. The other defining feature of common law, and one treasured by Americans, was its reliance on trial by jury. Under common law, the jury not the judge determined the facts in a legal dispute. By contrast, in civil law the judge issued summary judgement on his own. In terms of property, civil law recognised a principle of "forced heirship", which limited the testamentary freedom of a parent to dispose of his property and narrowly circumscribed the legal grounds for disinheritance, standing in stark contrast to common law which gave near complete control of disposal to the owner.[933]

The *Orléanais* were opposed to the changes implemented for civil suits which seemed to them to be 'unnecessarily complicated and wasteful'.[934] In his reports to the Secretary of State, Governor Claiborne noted on several occasions that the *Orléanais* 'are much dissatisfied with our Judicial System' and that in particular 'the trial by Jury is by many considered as odious and the Lawyers as serious nuisances'.[935] The introduction of trial by jury in criminal cases, however, was heartily welcomed by most of the French inhabitants; 'American criminal law and criminal procedure, with its

[932] Dargo, p. 12.
[933] Ibid., p. 13.
[934] Ibid., p. 17.
[935] Claiborne to Madison, 15 June 1806, NARA-II, RG 59, TP: Orleans, T260, reel 8, fo. 186; Claiborne to Madison, 16 May 1806, NARA-II, RG 59, TP: Orleans, T260, reel 8, fo. 151.

devices for the protection of the individual against arbitrary authority, had obvious advantages'.[936]

Eventually the plan to fully implement common law in Orleans was abandoned. Moreau-Lislet was instrumental in modifying the *Code Napoléon* into the Civil Digest of Orleans in 1808. The decision to adopt a digest rather than a code is significant. A code was a break with the past and would institute entirely new law, the very thing the *Louisianais* wanted to avoid; they wanted to preserve their historic French and Spanish customs.[937] Conversely, a digest was merely a compilation of pre-existing law.[938] George Dargo argues the recognition of civil law and the adoption of a digest in Orleans in 1808 was a notable concession by Congress and the US government 'in an otherwise heavy-handed effort to bring about some kind of adjustment between America and its first subject people'.[939] While the decision to retain civil law in Orleans was a concession to the policy of homogenisation, it should not come as much of a surprise. Legal historians Lauren Benton and Richard Ross have shown that legal pluralism was not only commonplace in European empires, but that 'such pluralism often grew more complex in colonies of far-flung peripheries as administrators and settlers dealt with indigenous, enslaved, and conquered peoples'.[940] For example, the British often adopted a flexible approach based on legal pluralism in conquered regions with established legal systems; Dutch law survived for a period of time in New York, Islamic law was kept in India under East India Company rule, and Spanish civil law was retained in Gibraltar and Minorca.[941] Although not as extensively as done in Orleans,

[936] Dargo, p. 17.
[937] Ibid., pp. 169-70.
[938] Ibid., p. 157.
[939] Ibid., p. 174.
[940] Lauren Benton and Richard Ross, 'Empires and Legal Pluralism: Jurisdiction, Sovereignty, and Political Imagination in the Early Modern World' in Lauren Benton and Richard Ross (eds.), *Legal Pluralism and Empires, 1500-1850* (New York, 2013), p. 1.
[941] Donald Fyson, *Magistrates, Police, and People: Everyday Criminal Justice in Quebec and Lower Canada, 1764-1837* (Toronto, 2006), p. 16. On Dutch civil and English common law in New York, see

the US government had already conceded ground to French law two decades earlier. The Northwest Ordinance of 1787 promised the resident *Canadiens* that 'their laws and customs…relative to the descent and conveyance, of property' would be retained.[942] Portions of French law were kept to appease the *Québécois* who found themselves under US rule.

The *Orléanais* resistance to the introduction of common law was not unique. The introduction of common law in Québec after the British conquest was a source of bitter conflict between the *Canadiens* and British immigrants. The dominance of English judges and jurors and the cost of attorneys increased *Québécois* suspicions. *Canadien* elites, furthermore, found jury trial degrading to their honour and status, being tried by their social inferiors, and petitioned the British government to have civil law reinstated.[943] The Quebec Act of 1774 reinstated elements of civil law and provided that 'all Matters of Controversy, relative to Property and Civil Rights' shall 'be determined agreeably to the said Laws and Customs of Canada'. Criminal proceedings, however, were conducted entirely under common law.[944] As a result, Québec and Lower Canada ultimately received a mixed English and French legal system. Historian Douglas Bradburn sees the admission of Orleans to the Union in April 1812 with 'its *own* distinct domestic legal order – its own civil law, similar to the Napoleonic Code' as the ultimate fulfilment of the vision of a Union in which the states and their respective citizens could set the laws and structures of their own government.[945] While Bradburn

William Nelson, *The Common Law in Colonial America*, vol. 2, (Oxford, 2013), p. 10-61. For law in Gibraltar, see Stephen Constantine, *Community and Identity: The Making of Modern Gibraltar since 1704* (Manchester, 2009), pp. 76-79. For law in Minorca, see Desmond Gregory, *Minorca, the Illusory Prize: A History of the British Occupations of Minorca Between 1708 and 1802* (London, 1990), pp. 86, 102.

[942] *JCC*, vol. 32, p. 335.

[943] Douglas Hay, 'The Meanings of the Criminal Law in Quebec 1764 to 1774' in Louis Knafla (ed.), *Crime and Justice in Europe and Canada* (Waterloo [ONT], 1981), pp. 82, 93-99.

[944] 14 Geo. III c. 83.

[945] Bradburn, *Citizenship Revolution*, p. 298.

sees this as a triumph of states' rights, Orleans was not a state and had its government imposed on it by Congress. While the status of civil law in Orleans was a concession to the ideal of complete political and legal assimilation, it was a concession that was often made in other empires and one that had been partially made by the US government before.

Political Frustration

The cultural frustration of the *Orléanais* is important to understanding the climate at the time of the transfer and the atmosphere surrounding their disputes with Congress, but their primary complaints were political. When Préfet Laussat announced the cession of *la Louisiane* to the United States in November 1803, he assured the *Louisianais* that under American rule they would have «sous un régime même provisoire, des chefs populaires…qui auront un besoin permanent votre estime, de vos suffrages & de votre affection». In the same speech, he characterised the transfer as a grant of independence and referred to the event as «la première aux siècles modernes l'exemple d'une Colonie» being voluntarily «émancipe».[946] Laussat promised a government the US had never intended to give which further fomented discontent once the US took control. Governor Claiborne complained to the President that 'the French Inhabitants…have been encouraged by Mr Laussat to expect similar political privileges to the Citizens of the United States'.[947]

Despite the undergirding cultural differences and the misguided statements of the French Prefect, the political complaints of the *Orléanais* were not fundamentally different from those of the Anglo-American settlers in the Ohio Valley a decade earlier.

[946] Laussat, Proclamation de 8 Frimaire XII, [30 Nov. 1803], Howard-Tilton Library, Tulane, Laussat Proclamations, LaRC MS Coll. 660, fold. 3: 'even under a provisional government, popular leaders…who will have a permanent need of your esteem, your votes & your affection'; 'the first example in modern times of a colony'; 'emancipated'.
[947] Claiborne to TJ, 25 Feb. 1804, *TJ Papers*, vol. 42, pp. 542-43.

Both rested on the frustration of being lower tier members of the American Empire. In 1804, Claiborne reported that among the *Orléanais* there was 'considerable jealousy of their American brothers – viewing themselves as a distant and acquired branch of our family, they seem to think they are not secure in the affections and confidence of the Government'.[948] A number of Claiborne's letters also show that the *habitants* were impatient for self-government and would be unhappy until formed into 'an independent state'.[949]

Like the settlers of the Northwest, the *Orléanais* invoked the Revolution to paint the Union of States as the malevolent imperial mother country and cast the territory as the oppressed colony. The appeal to the Revolution enabled the *Orléanais* to assert their American-ness and legitimise their claim that they deserve full citizenship on par with those in the federal Union. Étienne de Boré, the Mayor of New Orleans, emerged as one of the leading *Louisianais* opponents of the US administration. In the summer of 1804, Boré had the *Moniteur de la Louisiane* print Continental Congress's 1774 address to Québec which denounced parliamentary tyranny in that province. The American delegates had sought to inform the *Québécois* of their cherished rights as new British subjects, chief among these being representative government. Being denied the right to an elected representative assembly, Boré asked his fellow *Orléanais* what difference there was between the despised government of Britain over Québec in 1774 and that of the US over Orleans in 1804.[950]

Boré had earlier written to President Jefferson asserting that as «la tête du corps municipal de la capitale de cette province; c'est a dire du Seul corps qui y éxiste, du Seul qui y Soit composé de proprietaires et de citoyens» that he (and not the governor

[948] Claiborne to Madison, 7 July 1804, NARA-II, RG 59, TP: Orleans, T260, reel 4, fo. 79.
[949] Claiborne to TJ, 25 Feb. 1804, *TJ Papers*, vol. 42, pp. 542-43.
[950] *Moniteur de la Louisiane*, 9 Aug. 1804; *Louisiana Gazette*, [New Orleans], 14 Aug. 1804; *American Citizen*, [New York], 22 Sept. 1804.

or councillors) could «pour vous parler de leurs intérets».[951] The singular desire of the people of the territory was to receive «*votre second dégré* de Gouvernement» and have an elected Assembly. Boré asserted that the *Orléanais* «dignes Jusqu'a present d'un meilleur Sort» and «l'attendons des états unis».[952] Ironically, Boré had been appointed mayor by Laussat; he was equally as unelected as Claiborne and the Legislative Council.[953]

While Congress had informed the *Québécois* of their political rights in 1774, in 1804 the *Orléanais* informed Congress that they were well-aware of theirs. Resentful of the notion that they had to be made familiar with American ideas of governance, the people of Orleans drafted (and some 2,000 inhabitants, both French and Anglo-American, signed) a remonstrance listing their grievances with the government created for the territory and their unhappiness with their political relationship with the Union. The remonstrance, which was eventually heard by the Senate in December 1804, argued that it is 'impossible to be citizens of the United States without enjoying a personal freedom, protection for property, and above all, the privileges of a free representative Government, and [we] did not, therefore imagine that we could be deprived of these rights'.[954] The memorialists argued that under the 1804 Governments Act, Orleans was subject to '[t]axation without representation, an obligation to obey laws without any voice in their formation, the undue influence of the executive upon legislative proceedings, and a dependent judiciary' despite the fact that these were 'very prominent articles in the list of grievances compiled by the United States at the commencement of

[951] ÉB à TJ, 10 Feb. 1804, LoC, JP, MS 27748, ser. 1, reel 29, 23937: 'the head of the municipal government of the capital of this province, that is to say the only body which exists, the only one composed of landowners and citizens'; 'to speak to you about their interests'.
[952] Ibid.: '*your second degree* of government'; 'are at present worthy of a better fate'; 'expect it from the United States'.
[953] Laussat, Arrêté pour l'établissement de l'autorité municipale à la Nouvelle-Orléans, 30 Nov. 1803, Howard-Tilton Library, Tulane, Samuel Wilson Collection, LaRC MS Coll. 889, box 1, fold. 17.
[954] Remonstrance of the People of Orleans to Congress, c. June 1804, *Annals of Congress*, Appx., 8th Cong., 2nd Sess., p. 1598.

their glorious contest for freedom'.[955] They asserted that as a territory, Orleans was 'cut off from national rights' and was a sad 'exception to those general principles on which your revolution and Government are founded'.[956] Furthermore, they charged Congress with colonialism: 'A Territory governed in the manner it directs' was merely 'a province of the United States'.[957] The *habitants* of the Louisiana District also spoke disparagingly of the government they were put under. They argued the political structure of the District, although dictated by the Northwest Ordinance, was 'characterized by such an unusual spirit of severity'.[958] And, as Adams had done earlier in the Senate, they complained that rule by 'governors and judges' was 'contrary to every principle of liberty, and to the principles of the Constitution'.[959]

While one might expect a peripheral group which resented cultural encroachment to actively pursue complete separation from the political centre, the *Orléanais* pushed for full integration into the Union. The petitioners wanted immediate statehood for the whole region purchased from France. The *Orléanais* complained that old *la Louisiane* 'north of the thirty-third degree has been severed from us, and carried with it the distinguishing name which belonged to us' and begged the federal government to reunite the province 'until a greater degree of population made a division necessary'.[960] All US territories went through a period of development and maturation. At that time, only two new states had been admitted to the Union without going through territorial administrations: Kentucky and Vermont. Kentucky was settled as the counties of Fayette, Jefferson, and Lincoln in Virginia and sent representatives to the

[955] Ibid., p. 1600.
[956] Ibid., p. 1604.
[957] Ibid.
[958] Remonstrance and Petition from the Inhabitants of the Louisiana District to Congress, 29 Sept. 1804, *Annals of Congress*, Appx., 8th Cong., 2nd Sess., p. 1610.
[959] Ibid., p. 1611.
[960] Orleans Remonstrance, pp. 1605-06.

Virginia General Assembly and through Virginia were represented in the federal House of Representatives and Senate. These counties were broken off as a unit in 1792 and admitted to the Union without passing through a territorial phase. By raising the Kentucky model, the petitioners hoped *la Louisiane*, in its entirety, would be admitted to the Union as a single state and broken off into new states as local sentiment or population necessitated. This would enable the *Louisianais* to always have an elected assembly and voting members in both chambers of Congress.

Importantly, the *Orléanais* understood that the United States was an empire of law. In remonstrating they acknowledge the legitimacy of Congress over them. In asking for a lower house of assembly and pursuing immediate statehood, they were asserting that they wished to have a greater part in the American imperial system rather than be subservient to it. They were frustrated at their status in the lower, dependent rung of the American Empire but not rejecting the American Empire altogether – they wanted equal status with the states rather than with the existing territories. Critically, this also shows that while the *Orléanais* were annoyed at the cultural chauvinism of some American officials, they did not believe the United States itself was culturally chauvinistic or oppressive.

To accompany the remonstrance, a committee of ten prominent inhabitants chaired by Étienne de Boré sent an address to «le premier Magistrat de l'Amérique» in October 1804 urging him to hear their pleas. The committee informed Jefferson that under the 1804 Governments Act the *Orléanais* «ont la douleur de se Voir aujourd'hui, une espèce avilie, au milieu du Peuple le plus libre de l'Univers». The *habitants*,

angered at being placed in the lower tier of the American Empire, demanded to have «des mêmes droits, des mêmes privilèges que les Citoyens des Etats-Unis».[961]

After some settlers in the territory and Americans in the Union criticised the decision to send a remonstrance to the federal government, Étienne de Boré publicly retorted that rather than lying supine and silent, the *Orléanais* «faut être Républicain, & dans notre position actuelle, en prendre la caractère» by proving to the nation that «nous tenons à l'inviolabilité de nos droits».[962] By sending a petition to the federal government, the *Orléanais* were trying to prove to the national government that they understood the principles of American governance and active US citizenship; the principles which were at the heart of American naturalisation legislation. By sending a remonstrance, the inhabitants were acting much like the colonists who petitioned the Throne, Privy Council, and Parliament in the years prior to the Revolution. They were actively asserting their rights while also showing that they wished to remain within the political system and proving to federal legislators that they could act the part of Americans. The *Orléanais* also attempted to lay active claim to the American Revolution in an effort to bolster their argument they were ready for the full benefits of American citizenship and self-government. In November 1804, an editorial in the territory's only English-language newspaper denounced the charge that the *Orléanais* were unfit for self-rule on the grounds they had been under arbitrary rule by the French and Spanish. While congressmen may have claimed that Americans 'were fighting for

[961] Les Membres du Comité de la Louisiane à TJ, 1 Oct. 1804, LoC, JP, MS 27748, ser. 1, reel 31, 23939: 'the first magistrate of America'; 'have the pain of seeing themselves today, a degraded species, in the midst of the freest people in the universe'; 'the same rights, the same privileges as the citizens of the United States'. The other members of the committee were James Carrick, François Dorville, Jacques Fortier, Evan Jones, Paul Lanusse, J. Livaudais, Salomon Prevost, Nicolas Robelot, and Jean Soulié.
[962] ÉB, «Réponse aux Amis des Louisianais & des Lois», supplément á *Télégraphe*, [Nouvelle-Orléans], 27 June 1804: 'must be Republican, & in our current position, take the character of it'; 'we hold to the inviolability of our rights'. For local editorials critical of the remonstrance, see Les Amis des Louisianais et des Lois, «Aux Habitans de la Louisiane», *Télégraphe*, 16 June 1804; *The Union*, [New Orleans], 10 Nov. 1804.

liberty we remained quite in slavery', the author retorted that 'France, Spain and particularly Louisiana fought to procure you that liberty' reminding the US that their freedom and independence 'is not to your merit alone'.[963]

The *Orléanais* were not alone in protesting the structure of the territorial government. When Jefferson appointed the first members of the unicameral Legislative Council it was met with immediate resistance. Evan Jones, the former US Consul for Nouvelle-Orléans, publicly rebuffed his appointment on the grounds that the territorial government under the statute of 1804 was inherently un-American. In a statement published in both French and English language newspapers, Jones emphasised that he 'was born an American – I glory in that name – In defence of that happy land which give me birth, my life and my fortune shall always be staked; but, I cannot consent for any consideration to do an act, which I think subversive of the rights and liberties of my fellow-citizens'.[964] Jones was soon joined by former US Vice-Consul Daniel Clark, Étienne de Boré, Michael Cantrelle, Dr Robert Dow, Gaspard DuBuys, and John Romain in declining appointment to the Legislative Council.[965] While this may appear striking on the surface, similar incidents had occurred in the Northwest Territory. A decade earlier in 1793, for example, all the justices of the Court of Common Pleas for Hamilton County refused their commissions. Like Jones, the men invoked the Revolution and complained to the acting governor that 'we could not stoop to the indignity of holding offices, the tenure of which is during pleasure…We have not yet forgotten, that this was [a] matter of great complaint against the administration of the

[963] *The Union*, 17 Nov. 1804.
[964] *Télégraphe*, 8 Oct. 1804; *The Union*, 15 Oct. 1804.
[965] Dargo, p. 36.

colonial governments at the commencement of the late glorious contest with great Britain'.[966]

The people of Orleans remained unsatisfied even after the 1805 Act restructured the territory. Soon after the bill's passage, Claiborne reported to the Secretary of State that the new 'Government of this Territory will not give general satisfaction. The people have been taught to expect greater privileges, and many are disappointed'.[967] While the remonstrance and presentation to Congress successfully resulted in the overhaul of the territorial government, the mission was viewed as a failure by the delegation because it failed to reunite Orleans and Louisiana and did not herald immediate statehood. Upon their return, Jean-Noël Destréhan, Pierre Derbigny, and Pierre Suavé published a report explaining their frustration that the federal government 'without paying any regards to our representations' had 'persisted in assimilating us to the other territories of the United States, and continued to trace out for us a government founded on the Ordinance of 1787'.[968] Despite having earlier stated that instituting an elected Second Stage territorial government would appease the *Orléanais*, Boré continued to accuse «le Congrès ou plutôt le Président par son influence» of denying the *Louisianais* their basic rights as American citizens after the 1805 Act. According to Boré, the "abuses" of the federal government «èffrayent tous les vrais Louisiannais».[969] Claiborne continued to report in 1806 and beyond that the 'ancient Louisianians are impatient of controul' and demand imminent statehood.[970]

[966] Goforth, William McMillan, and William Wells to WS, 5 Feb. 1793, MHS, WSP, MS N-877, reel 3; see also John S. Gano to WS, 6 Feb. 1793, MHS, WSP, MS N-877, reel 3.
[967] Claiborne to Madison, 21 Apr. 1805, NARA-II, RG 59, TP: Orleans, T260, reel 6, fo. 108.
[968] *Moniteur de la Louisiane*, 24 May 1805; *Orleans Gazette*, 11 June 1805.
[969] ÉB à Laussat, 5 May 1805, HNOC, Laussat Papers, MS 125, fold. 592: 'Congress, or rather the President, by his influence'; 'frightens all true *Louisianais*'.
[970] Claiborne to Madison, 26 May 1806, NARA-II, RG 59, TP: Orleans, T260, reel 8, fo. 170.

General James Wilkinson described Étienne de Boré in 1804 as having 'a false estimate of his own importance, & a delusive reliance on the maternal sympathies of France'. Wilkinson concluded that 'Mr Boré should be consigned to utter neglect' and passed over in favour of his neighbours who better align with 'sound american principle & attachment' for political office.[971] Indeed, in 1805 Boré wrote to Laussat, now the Préfet of Martinique, that «la majorité des Louisiannais» earnestly wish «vous y reviendrez remplir la mission» of returning Louisiana to French rule.[972] However, by 1810, Governor Claiborne remarked to President Madison that while Boré had been a constant critic in the early years of US rule, 'he has of late' been 'better contented with the state of things, & acted the part of an excellent Citizen'.[973] The *Orléanais* were eventually placated and over time came to accept the territorial government. Importantly, no rebellion against US rule occurred; there was no *Louisianais* uprising like the one in 1768 against Spanish rule.[974]

Racial Tensions

In the wake of Saint-Domingue and the Haitian Revolution, Laussat wrote to the First Consul that it was imperative to increase «la population blanche dans notre colonie» but warned that any increase «de population Anglo-Américain y serait, pour la suite des tems, dangerant». Laussat suggested that in order to make «cette possession une Colonie essentiellement blanche», France should encourage only immigration from Europe, whether from France itself or elsewhere.[975] Where the French wanted to increase whites, after taking possession some Americans hoped to instead send free

[971] James Wilkinson to TJ, 5 July 1804, LoC, JP, MS 27748, ser. 1, reel 30, 24570.
[972] ÉB à Laussat, 5 May 1805, HNOC, Laussat Papers, MS 125, fold. 592: 'the majority of the *Louisianais*'; 'you will return to fulfil the mission'.
[973] Claiborne to Madison, 4 Mar. 1810, *Madison Papers*, PS, vol. 2, pp. 260-62.
[974] For the uprising, see Samuel Biagetti, 'Enlightenment and Revolution: The Case of Louisiana, 1768', *American Studies*, vol. 12, no. 1 (2014), pp. 68-92.
[975] Laussat à Bonaparte, 21 Oct. 1802, HNOC, Laussat Papers, MS 125, fold. 59: 'the white population in this colony'; 'the Anglo-American population would be, for the time being, dangerous'; 'this possession an essentially white colony'.

blacks with the ultimate goal of making the Atlantic states whiter. Many Americans, especially southerners, were concerned about the number of blacks, both free and enslaved already in the US. For example, Thomas Jefferson outlined a plan of gradual emancipation in his *Notes on the State of Virginia* which would have required the state to educate blacks until the age of majority after which they were 'to be colonized' outside the state. Jefferson himself anticipated criticism of this expulsion: 'It will probably be asked, Why not retain and incorporate the blacks into the state'. Jefferson argued that the '[d]eep rooted prejudices entertained by the whites' and the 'recollections, by the blacks, of the injuries they have sustained' would 'produce convulsions which will probably never end but in the extermination of the one or the other race'.[976]

Soon after news of the Purchase, St George Tucker published a pamphlet celebrating the acquisition: 'by this cession we have obtained for the western states and their commerce, a strong and, in effect, impassable barrier against invasion, or annoyance from the west, or south'.[977] As he had argued before with the Northwest Territory, Tucker warned that expansion 'without any increase of population offers no present advantage' and had the potential 'to diminish the national strength, by dispersing the people over an immense wilderness';[978] it would depopulate the Atlantic states, diminishing their clout in the Union and weakening the overall wealth and prosperity of the nation.

Tucker believed that if the land west of the Mississippi was settled by *white* Americans it would 'weaken and reduce the population in the Atlantic states, and…prove ultimately fatal to the United States'. As the environmental climate of

[976] TJ, *Notes on the State of Virginia* (London, 1787), pp. 228-29.
[977] [StGT], *Reflections on the Cession*, p. 12.
[978] Ibid., p. 4.

Louisiana was 'more favourable for the African constitution than any other part of the United States', Tucker suggested using the region as a place to 'colonize those unhappy people, whom our ancestors have brought in chains from their native country' and turning it into a homeland for freed slaves.[979] John Breckenridge (DR-KY) had supported a similar motion in the Senate, emphasising that such a move would 'disperse and weaken that race & free the southern states from a part of its black population, & of its danger'.[980] This idea was not limited to southern slave owners; a correspondent in the *Connecticut Centinel* believed Louisiana 'will be serviceable in furnishing a colony for the *Blacks*. It is generally agreed that the emancipation of these would be proper were it known what to do with them. Let them be sent to *Louisiana*. The United States have already too much territory'.[981]

Louisiana had a substantial free black population which became a source of confusion for the American territorial administration as well as a draw for freedmen from other parts of the United States. Under Spanish rule, enslaved people in *Luisiana* gained the right of *coartació*, the ability to purchase their own freedom and that of anyone else. Masters were required to accept the payment unless the individual was disorderly. As historian Thomas Ingersoll notes, '[n]o such ironclad right existed in any Anglo- or Franco-American slave society'.[982] In Louisiana, free people of colour were capable of amassing significant wealth and status unobtainable anywhere else in the United States.[983] For example, Jean-Baptiste Meullion, the son of a white man and his mulatto slave, became a wealthy businessman and by the 1790s owned a sizeable sugar

[979] Ibid., pp. 22, 25.
[980] *Plumer's Memorandum*, p. 129.
[981] *Connecticut Centinel*, 30 Aug. 1803.
[982] Thomas Ingersoll, 'Free Blacks in a Slave Society: New Orleans, 1718-1812', *WMQ*, vol. 48, no. 2 (1991), pp. 180-82 (quotation on p. 181).
[983] Kimberly Hanger, 'Patronage, Property and Persistence: The Emergence of a Free Black Elite in Spanish New Orleans', *Slavery & Abolition*, vol. 17, no. 1 (1996), pp. 49-61; Kastor, *Nation's Crucible*, p. 30; Ingersoll, p. 189.

and cotton plantation in Opelousas with a number of slaves. Meullion, notably, married Marie-Célèste Donato in 1796, joining together two elite free black families with large landholdings.[984] Likewise, Marie-Thérèse Metoyer *dite* Coincoin, herself freed in 1778, came to own in her own right several slaves and a modest plantation in Les Natchitoches. However, this is not to say that the situation under the Spanish was one of any kind of equality or social liberalism; the Spanish also restricted the lives of free people of colour, enforcing sumptuary laws restricting what free women of colour could wear and barring free people of colour from riding horses.[985] Nonetheless, Governor Claiborne, like many Americans, found the tripartite racial hierarchy in Orleans perplexing; the US had only a dichotomy of white–black, free–enslaved in which even free blacks were widely ill-treated.[986] Anglo-Americans and *Orléanais* territorial leaders worked to bring the territory's race laws in line with southern states; *coartació* was ended, free black planters were shut out of democratic institutions, and laws passed to harden the racial divide.[987]

When Edward Livingston and others met in New Orleans in the summer of 1804 to draft the remonstrance to Congress, they excluded the region's free people of colour from attending. Greatly annoyed by this, a number of influential freemen of colour organised 'a meeting in order that they might consult together as to *their* rights'. The governor wrote to the US Secretary of State soon after, assuring him that while a copy of the free black remonstrance was given to a printer for publication, the city's printers refused.[988] The discontent of the free people of colour and their decision to assemble to

[984] For Jean-Baptiste Meullion, see the Meullion Papers (LaRC MS Coll. 713) at the Howard-Tilton Library, Tulane University, especially folders 1-3. These records show he owned a number of slaves, had at least 700 acres of property in Opelousas, and had considerable business deals with merchants in New Orleans for his sugar and cotton. For the Donato family, see Carl Brasseaux, Claude Oubre, and Keith Fontenot, *Creoles of Color in the Bayou Country* (Jackson [MS], 1996), pp. 16-20.
[985] Rothman, p. 103.
[986] Wood, *Empire of Liberty*, p. 373.
[987] Ingersoll, p. 174.
[988] Claiborne to Madison, 3 July 1804, NARA-II, RG 59, TP: Orleans, T260, reel 4, fo. 73.

assert their rights 'excited some alarm among the *white citizens*'[989] and the City of New Orleans demanded the governor 'punish the mulatto man who handed the letter to the printer with great severity' and 'banish the author'. In another report to Washington, Claiborne expressed deep concern over the conflict, believing that 'in a country where the negro population was so great, the less noise that was made about this occurrence the better'. The Haitian Revolution was never far from American imagination at the time, and Claiborne noted that 'the events which have spread blood and desolation in St Domingo originated in a dispute between the *white* and *mulatto* inhabitants'. While he was sure that there was nothing currently 'to fear either from the Mulatto or negro population', he grimly predicted that 'at some *future period*, this quarter of the Union will (I fear) experience *in some degree*, the misfortunes of St Domingo'.[990]

Historian James Wainwright argues that by the time Orleans was granted statehood in 1812 'local slaveholders were loyal to the United States precisely because the nation upheld both the right to own slaves and the right to protection from slave uprisings. White Creoles were crucial participants in the incorporation of Louisiana into the economy and culture of the United States, and they participated over the protests of a vocal faction of free people of color'. The *Orléanais* and the US administration often clashed but 'were largely in accordance on at least one thing: the necessity of white supremacy'.[991] The rigid white-black divide was formally and legally institutionalised in 1806. The Black Code passed by the territorial legislature in 1806 lumped free people of colour and enslaved blacks together and stipulated that 'free people of colour ought never to insult or strike white people, nor presume to conceive themselves equal to the

[989] Claiborne to Madison, 7 July 1804, NARA-II, RG 59, TP: Orleans, T260, reel 4, fo. 79.
[990] Claiborne to Madison, 12 July 1804, NARA-II, RG 59, TP: Orleans, T260, reel 4, fo. 82.
[991] James Wainwright, 'William Claiborne and New Orleans's Battalion of Color, 1803-1815: Race and the Limits of Federal Power in the Early Republic', *LaH*, vol. 57, no. 1 (2016), pp. 7-8.

white; but on the contrary that they ought to yield to them in every occasion, and never speak or answer them but with respect, under the penalty of imprisonment'.[992]

In late 1807, Charles Trudeau, a member of the city council, wrote to the Mayor of New Orleans, James Mather, expressing his great concern that «beaucoups de gens de couleur» have moved into the territory and the city of New Orleans «au mépris de lois».[993] A number of free blacks from within the Union of States did move to the territory. For example, in the same year Trudeau made his complaint, John Colbert – a free black man from Massachusetts – along with his wife and three children relocated to New Orleans and were granted residency by Mayor Mather.[994] The territorial legislature passed several acts to restrict the free movement of free blacks into the territory. In 1806, the legislature passed an act to prohibit free men of colour (but not women or children under 15) from the French West Indies migrating into the territory.[995] The following year, the same in which Trudeau penned his complaint, the legislature went further, passing a blanket ban on 'free negro or mulatto' men and women regardless of age from settling in the territory. Those who defied the law were charged $20, a hefty sum, for every week they remained in the territory, and those who could not pay the fines could 'be sold' into a form of slavery 'for a term sufficient to pay the fines herein imposed'.[996]

While the territorial inhabitants were not granted full, equal status with citizens residing within the Union, this was partially mitigated by efforts elevating the status of

[992] Orleans Terr. Law 1806 Ch. 33.
[993] Charles Trudeau à James Mather, 28 Nov. 1807, Howard-Tilton Library, Tulane, JMW Collection, LaRC MS Coll. 230, box 4, fold. 41: 'many people of colour'; 'in defiance of the law'.
[994] Massachusetts Passport for John Colbert, 13 July 1807, Howard-Tilton Library, Tulane, Kuntz Collection, LaRC MS Coll. 600, box 7, fold. 35; Residency Permit for John Colbert, 24 Nov. 1807, Howard-Tilton Library, Tulane, Kuntz Collection, LaRC MS Coll. 600, box 7, fold. 37.
[995] Orleans Terr. Law 1806 Ch. 30.
[996] Orleans Terr. Law 1807 Ch. 28.

white inhabitants more fully over mixed-race peoples, free people of colour, and slaves. Race significantly helped to unite white French and Anglo-American factions.

CONCLUSION

The Louisiana Governments Act of 1804 is far less of a break than most historians have treated it. Overall, the complaints of the *Orléanais* mimic those of the Anglo-American settlers in the Ohio Valley a decade earlier. Far from the creation of the American Empire or a novel shift towards colonialism or harsher territorial government, the story of US rule in Orleans shows continuity with American imperial thought from the 1770s. It is part of the continued story of Americans modifying the British imperial system to fit into that of a republic. While American historiography has popularised Thomas Jefferson's 'Empire of Liberty', Jefferson was far from alone in viewing the Republic as an empire. And, although the Louisiana Purchase is among the greatest legacies of his presidency, it does not mark the birth of an American empire or republican colonialism. The language of empire used by American politicians and the public predate the Louisiana Purchase by decades. Importantly, the remonstrance of the *Louisianais* shows that rather than rejecting the American Empire, they wanted full integration with it. The *Orléanais* did not claim to be an oppressed people under American rule, rather they resented being treated as colonial children and wished to take equal part in the direction of the Empire.

CONCLUSION

The Persistence of Empire

The history of America in the eighteenth century is deeply entangled with that of Britain. In the 1770s, Americans continued to identify as Britons and revelled in the Empire, the monarchy, and British political rights. It is necessary to understand this in order to see how and why the Revolution turned the way it did and to understand why Americans so thoroughly embraced the idea of empire as republicans post-independence. The notion of an American republican empire grew out of the colonists' strong affinity for the British Empire on the eve of the Revolution and the role empire played in the early struggles with Westminster and Whitehall. Americans did not abandon imperial thinking with independence and why would they? It was the world they knew; as British colonists they were well-versed in colonialism and empire. As Jefferson said in 1789, '[w]e were educated in royalism; no wonder if some of us retain that idolatry still'.[997] Old habits die hard. In the 1780s, Congress adapted British imperial and colonial models to suit the needs of a republic; the US delegates were only mildly innovating. After acquiring *la Louisiane,* Congress continued to use its modified British system. The colonialism exercised over Orleans was not something new but deep-dyed into American political tradition.

While the history and tradition of imperial rhetoric was forgotten by the 1898 war with the Spanish Empire, the American embrace of empire continued into the beginning of the nineteenth century. In the middle of the War of 1812, the Maryland House of Delegates adopted a resolution hoping for a swift end to the bloodshed and a

[997] TJ to Madison, 15 Mar. 1789, *TJ Papers*, vol. 14, pp. 659-63.

stable peace which would preserve 'the harmony and the liberties of this United Empire'.[998] Likewise, empire was invoked towards the end of the conflict. In 1815, Dr Philip Barraud – a physician in Williamsburg, Virginia – expressed his joy at the victory of the Battle of New Orleans stating with great pride that it had been men from 'the Southern portion of this Empire' who had defeated the British.[999] Unsurprisingly, the Founders continued to speak of the Empire amongst themselves and their families. For example, in 1819, as tensions over the admission of the Missouri Territory – a region acquired through the Louisiana Purchase – as a slave state reached their peak, John Adams wrote to Jefferson hoping that the 'Missouri question' would 'follow the other Waves under the Ship and do no harm – I know it is high treason to express a doubt of the perpetual duration of our vast American Empire'.[1000] In the same year, Adams wrote to his son of President Monroe's 'intended visitation of the Southern parts of the Empire' and in 1823 Madison referred to 'the extremities of the Empire' in a letter to Jefferson.[1001] These utterances show that the language of empire continued to be used both in private and closed correspondence as well as the public sphere.

There is surprisingly little evidence of any pushback against the description of the US as an empire during the era of the Early Republic. In 1805, Joel Barlow was chastised for invoking empire in an address to the Democratic-Republicans of Connecticut. Barlow had stated that 'the fabric of the American Empire is founded' upon rights and emphasised the importance of proving 'to the world, and even to ourselves, that the fabric of this empire is the best organization of liberty hitherto

[998] *Votes and Proceedings of the General Assembly of the State of Maryland*, vol. 31, (Annapolis, 1814), p. 83.
[999] Philip Barraud to StGT, 14 Feb. 1815, Swem Library, W&M, TCP, MS 40 T79, ser. 1, box 34.
[1000] JA to TJ, 21 Dec. 1819, LoC, JP, MS 27748, ser. 1, reel 51, 38647.
[1001] JA to JQA, 13 Mar. 1819, MHS, AP, P-54, reel 446; Madison to TJ, 15 Jan. 1823, LoC, Madison Papers, MS 31021, ser. 1, reel 20, fo. 1887.

experienced'.[1002] The rebuke of Barlow's speech had less to do with domestic unease of the US as an empire than it was a criticism of Barlow's close relationship with France. Despite denouncing monarchy in the same speech, critics ridiculed Barlow for talking 'of the "American Empire"' surmising that he did so only 'because it has become so fashionable in France to talk of *the Empire*' and accused him of being 'now as much enamoured with Empires as he was formerly with Republics'.[1003] Barlow had moved to France in 1788; he actively participated in the French Revolution and became a French citizen.[1004] By 1805, much of the United States had come to distrust France for the violent turn their revolution had taken, the Franco-American Quasi War, and for Napoléon's betrayal of republicanism by declaring himself emperor.

Importantly, the imperial mantle was taken up by a generation of Americans who were not born subjects of the British Crown and for whom the British Empire was always foreign. Half a century after the signing of the Declaration of Independence, federal politicians born towards the end of the Revolutionary War took to calling the Republic an empire. In February 1826, Representative Henry Storrs, a pro-Adams Democrat from New York born in 1787, spoke of the United States as an 'empire of civil liberty'.[1005] Likewise, Senator Thomas Reed, a Jacksonian from Mississippi born in 1787, invoked the epithet 'empire of liberty'.[1006] Jacksonian congressman Samuel Ingham of Pennsylvania (b. 1779) dubbed the port of New Orleans 'the key of our Western Empire'.[1007] Furthermore, this generation did not see the notion of an American empire as inconsistent with the Revolution, the Founding, or republicanism.

[1002] *American Herald*, [Hartford, CT], 7 Nov. 1805; *Providence Phoenix*, 16 Nov. 1805.
[1003] *Newburyport Herald*, 28 Nov. 1805.
[1004] Peter Hill, *Joel Barlow: American Diplomat and Nation Builder* (Washington, 2012), pp. 21-28, 75-93.
[1005] *Register of Debates in Congress*, HR, 19th Cong., 1st Sess., p. 1417.
[1006] Ibid., Senate, 19th Cong., 1st Sess., p. 566.
[1007] Ibid., HR, 19th Cong., 1st Sess., p. 2368.

In March 1826, pro-Adams congressman Ichabod Bartlett of New Hampshire (b. 1786) proclaimed that the:

> patriots who remonstrated against the oppressors of the Government from which we separated, were the same heroes who bore us through the fight; the same sages who fashioned our institutions and fixed the principles on which they rest. Those institutions, upon those principles, have extended their blessing to the remotest limits of our empire.[1008]

Jacksonians held the same view. In 1829, Representative George Washington Owen of Alabama (b. 1796) referred to the Revolution as laying the 'foundation of an empire now among the first on the earth'.[1009] In 1830, Congressman Richard Coulter of Pennsylvania (b. 1788) described a session of the House as a meeting of 'the different sections of a mighty empire – the representatives of a free and intelligent people – overlooking the multitudinous interests of this great republic'.[1010]

There was also some recognition, albeit minor, of the United States as an empire by foreign governments. For example, the controversial instructions given to Edmond-Charles Genêt by the French Executive Council in 1793 referred to the American republic as an «empire de la liberté».[1011] There was some recognition of the US as an empire, or at least having the potential to become one, by the British even before the end of the Revolutionary War. In 1777, for example, Lord Lyttleton informed his fellow peers that he feared if America were allowed to maintain its independence, it would become 'a superior empire' and threaten Britain's supremacy.[1012] The following year, Sir George Yonge bemoaned in the Commons that the Declaration of Independence had 'established a great republican empire'.[1013] This continued after Britain's formal recognition of American independence in 1783. Thomas Erskine – then an MP for

[1008] Ibid., HR, 19th Cong., 1st Sess., p. 1915.
[1009] Ibid., HR, 20th Cong., 2nd Sess., p. 227.
[1010] Ibid., HR, 21st Cong., 1st Sess., p. 685.
[1011] Conseil Exécutif à Edmond-Charles Genêt, c. 1793, quoted in *Observations sur les Démêlés entre les Etats-Unis et la France* (Londres, 1798), p. 34: 'empire of liberty'.
[1012] *Parliamentary Register*, HL, 4th sess., 14th Parliament, vol. 9, (London, 1802), p. 80.
[1013] Ibid., HC, 4th sess., 14th Parliament, vol. 8, (London, 1802), p. 145.

Portsmouth but who would later be elevated to Lord Chancellor – published a tract in 1797 referring to the US as 'a republican empire'.[1014] Less publicly, Sir John Sinclair, a Privy Councillor and former MP, wrote to Jefferson in 1817, with whom he had a decades-long correspondence, referring to the American Republic as a 'rising Empire'.[1015] Even in 1828, while debating the government of the Canadas, Sir James Mackintosh, an MP for Knaresborough, referred to the United States as 'that imperial republic, which occupies the other best portion of the American continent'.[1016]

The United States maintained expansionist ambitions, but prior to the 1830s these continued to be orientated towards the Atlantic seaboard; Americans were not yet concerned with endless westward expansion to the Pacific. On the eve of the outbreak of the War of 1812, Felix Grundy (DR-TN) delivered a speech to his fellow congressmen that he was 'anxious not only to add the Floridas to the South, but the Canadas to the North of this empire'.[1017] The invasion and annexation of the British colonies to the north became a major US objective in that war.[1018] There was, however, also a Pacific theatre to the War of 1812 and in 1813 a US naval officer annexed Nuku Hiva in the Marquesas island chain in the name of the United States, promising the Polynesians that they would be 'admitted into the great American family'.[1019] Both Congress and President Madison declined to endorse the annexation.[1020] At that time, the US had no interest in being a global empire with far-flung colonies; there was no

[1014] Thomas Erskine, *A View of the Causes and Consequences of the Present War with France* (London, 1797), p. 58.
[1015] Sir John Sinclair to TJ, 25 May 1817, *TJ Papers*, RS, vol. 11, pp. 381-82.
[1016] *Hansard's Parliamentary Debates*, HC Deb. 2 May 1828, 2nd ser., vol. 19, (London, 1829), col. 319.
[1017] *Annals of Congress*, HR, 12th Cong., 1st Sess., p. 427.
[1018] George Stanley, *The War of 1812: Land Operations* (Ottawa, 1983), p. 29; Taylor, *Civil War of 1812*, pp. 137-139; John Stagg, *The War of 1812: Conflict for a Continent* (Cambridge [UK], 2012), pp. 5-6.
[1019] David Porter, *Journal of a Cruise Made to the Pacific Ocean, by Captain David Porter, in the United States Frigate Essex, in the Years 1812, 1813, and 1814*, vol. 2, (New York, 1822), pp. 15, 78-80.
[1020] David Long, 'David Porter: Pacific Ocean Gadfly' in James Bradford (ed.), *Command Under Sail: Makers of the American Naval Tradition, 1775-1850* (Annapolis, 1985), pp. 182-83.

desire to expand westward to the Pacific coast of the North American continent let alone beyond into the Pacific Ocean.

The US did, however, wish to expand further south into the Floridas and the Caribbean Sea. At the same time Americans were pining for New Orleans, they turned their sights increasingly to Cuba – pushing for annexation for much the same reason: protecting the trade and political connection of the Atlantic states with the western territories on the Mississippi River. In February 1803, while the Senate debated the annexation of New Orleans, Wilson Cary Nicholas (DR-VA) argued that 'Cuba, from its position, and the excellence of its harbors, commands the Gulf of Mexico as completely as New Orleans does the river Mississippi'. In order to protect the trade of the western states and territories and maintain their links to the Atlantic, Senator Nicholas held that 'the Island of Cuba must likewise be taken possession of'.[1021] This sentiment was echoed by Governor Claiborne of the Orleans Territory in 1807 when he wrote to the US Secretary of State arguing that Cuba 'would be a valuable possession to the U[nited] States' and would guarantee 'the Safety and prosperity of our Settlements on the waters of the Gulph would be permanently established'.[1022] On Christmas Eve 1810, Governor Claiborne wrote to Jefferson again emphasising his belief in the importance of Cuba to the US: 'there is nothing I so much desire as to see the Flag of my Country wave on the Moro Castle. Cuba is the real Mouth of the Mississip[p]i, and the nation possessing it, may possibly at a future day command the western Country. But let that Island be ours, and the American Union is placed beyond the reach of change'.[1023] The Governor of the Louisiana Territory similarly stressed to the President that taking Cuba would 'secure our western possessions'.[1024] The claim

[1021] *Annals of Congress*, Senate, 7th Cong., 2nd Sess., p. 229.
[1022] Claiborne to Madison, 28 Feb. 1807, LoC, Burr Conspiracy Papers, MS 14415, reel 1.
[1023] Claiborne to TJ, 24 Dec. 1810, LoC, JP, MS 27748, ser. 1, reel 44, 34054.
[1024] James Wilkinson to TJ, 12 Mar. 1807, LoC, Burr Conspiracy Papers, MS 14415, reel 1.

that Cuba formed the "true mouth" of the Mississippi River is less outlandish than it sounds. All American shipping bound for New Orleans inevitably had to pass through the narrow Straits of Florida between the Spanish colonies of Cuba and East Florida. In 1810, Senator Henry Clay (DR-KY) stressed that 'more than two-thirds of' American commerce was 'at the mercy of' whoever controlled those colonies.[1025]

Even in 1823, four years after the Adams-Onís Treaty ceded East Florida and by extension control of the northern side of the Straits of Florida to the US, James Monroe repeated the claim that Cuba formed the true 'mouth of the mississippi' and defended the annexation of Cuba as 'of the highest importance to our internal tranquility, as well as to our prosperity and aggrandizement'.[1026] By the end of that year, Jefferson confessed that he still 'looked on Cuba as the most interesting addition which could ever be made to our system of states'.[1027] Cuba remained a perennial interest to the United States throughout the remainder of the nineteenth century.

Empire remains relevant today. Despite the decolonisation movements of the 1940s and 1960s, several of the former "great" empires of the world exist today in a diminished form. A rump British Empire continues to exist in the form of its overseas territories and the French Empire survives in the *collectivités d'outre-mer*.[1028] Importantly, however, these regions have greater autonomy than before World War II and several have voted to retain their dependent status. The French *collectivité* of New Caledonia, for example, voted against independence in 2018, the Falkland Islands voted in favour of remaining a British dependency in 2013, and Bermuda voted against

[1025] *Annals of Congress*, Senate, 11th Cong., 3rd Sess., p. 62.
[1026] Monroe to TJ, 30 June 1823, LoC, JP, MS 27748, ser. 1, reel 53, 88.
[1027] TJ to Monroe, 24 Oct. 1823, LoC, JP, MS 27748, ser. 1, reel 54, 40185.
[1028] Robert Aldrich and John Connell, *The Last Colonies* (Cambridge [UK], 1998), pp. 1-11; 24-35.

independence in 1995.[1029] The United States likewise retains colonial dependencies, and in the summer of 2019 Senator Tom Cotton (R-AR) and President Donald Trump considered expanding the US by purchasing Greenland.[1030]

The imperial architecture of the Early Republican period has long outlived the conscious embrace of empire by the American people. The modified British imperial structure created by the Northwest Ordinance in the 1780s and the colonial system of central appointment continued well into the twentieth century and the two-tiered structure of the America Empire remains in place today. The governors of Alaska and Hawaii continued to be appointed until statehood. Of the current US overseas territories, governors in Puerto Rico continued to be appointed until 1948; the US Virgin Islands had an appointed governor until 1969; Guam retained appointed governors until 1971 and American Samoa until 1978.[1031] Today the territories of Puerto Rico, the US Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa remain outside the Union of States and are subject to a federal congress in which they have a voice but no vote. From the creation of the Northwest Territory in 1788 to the present, the US has always possessed colonial dependencies. The American republic has remained an empire in everything but name.

[1029] «La Nouvelle-Calédonie vote à 56,4% pour rester française», *Le Monde*, [Paris], 4 Nov. 2018; 'Voters in Falklands Back British Rule Nearly Unanimously', *New York Times*, 12 Mar. 2013; 'Voters Reject Independence', *Royal Gazette*, [Hamilton, Bermuda], 17 Aug. 1995.

[1030] 'The acquisition of Greenland would trump the Louisiana Purchase', *Washington Post*, 16 Aug. 2019; 'Trump says it would be "strategically nice" to buy Greenland', *Financial Times*, [London], 19 Aug. 2019; 'Trump cancels trip to Denmark because they won't sell Greenland', *Boston Globe*, 21 Aug. 2019; 'Report: Sen. Tom Cotton says he suggested Trump buy Greenland and met with Danish ambassador', *USA Today*, [McLean, VA], 22 Aug. 2019.

[1031] The first Puerto Rican governor's election was held in 1948 following 61 Stat. 770 (1947). The first elected governor of the US Virgin Islands entered office in 1969 following 82 Stat. 837 (1968); the first elected governor of Guam entered office in 1971 following 82 Stat. 842 (1968); the governor of American Samoa ceased to be appointed following the results of a plebiscite in 1977. The Northern Mariana Islands were governed by the US as a UN trust territory following World War II. Under this arrangement, executive authority in the territory was vested in a High Commissioner instead of a governor. The Northern Marianas attained commonwealth status in 1978 and elected its first governor.

LIST OF FIGURES

Figure 1 (p. 27) Frontispiece from the *Journal of the Proceedings of the Congress* (Philadelphia, 1774).

Figure 2 (p. 27) North Carolina Seven ½ Dollar Note, 2 Apr. 1776, Gertrude Carraway Library, New Bern, NC, Tryon Palace Collections, TP.1986.033.001.

Figure 3 (p. 61) Peter Bell, *A New and Accurate Map of North America*, 1771, Library of Congress, Washington, DC, Map Collection, G3300 1771 .B42.

Figure 4 (p. 61) Thomas Bowen, *Chart of the West Indies*, 1774, Library of Congress, Washington, DC, Map Collection, G4390 1774.S6.

Figure 5 (p. 86) B. Joel, *Map of St George's, Bermuda*, 1780, Massachusetts Historical Society, Boston, MA, Timothy Pickering Papers, MS N-708, box 56, fo. 193.

Figure 6 (p. 94) William Faden, *The British Colonies in North America*, 1777, New York Public Library, New York, NY, Lawrence Slaughter Collection, Map Div. 97-6140 [LHS 531].

Figure 7 (p. 96) Thomas Jeffreys, *New Map of the Province of Quebec*, 1776, Branner Library, Stanford University, Stanford, CA, David Rumsey Historical Map Collection, NMM 361.

Figure 8 (p. 135) Frontispiece from the *Bickerstaff's Boston Almanack, or Federal Calendar* (Boston, 1789).

Figure 9 (p. 158) William Faden, *The United States of North America, with the British Territories*, 1793, Library of Congress, Washington, DC, Map Collection, G3300 1793.F3.

Figure 10 (p. 158) Abraham Bradley, *Map of the United States*, 1796, Library of Congress, Washington, DC, Map Collection, G3700 1796.B72.

Figure 11 (p. 219) Robert Wilkinson, *North America*, 1804, Branner Library, Stanford University, Stanford, CA, David Rumsey Historical Map Collection, G3300 1804.W5.

Figure 12 (p. 224) Barthélémy Lafon, *Carte Générale du Territoire d'Orléans Comprenant aussi la Floride Occidentale et une portion du Territoire du Mississipi*, 1806, Library of Congress, Washington, DC, Map Collection, G4010 1806.L3.

Figure 13 (p. 227) J L Bouquet de Woiseri, *A View of New Orleans Taken from the Plantation of Marigny*, 1803, Historic New Orleans Collection, New Orleans, LA.

BIBLIOGRAPHY

MANUSCRIPT AND ARCHIVAL SOURCES

Bermuda Archives, Hamilton, Bermuda
- Book of Commissions, vol. 5
- Gov. William Browne Correspondence, PA 336

British Library, London, UK
- Add. MS 21687 (Haldimand Papers)
- Add. MS 21714 (Haldimand Papers)
- Add. MS 21835 (Haldimand Papers)

Bodleian Library, University of Oxford, Oxford, UK
- Thomas Ainslie Journal, MS Can. r. 2
- Richard Price Correspondence, MS Eng. Misc. c. 132

Connecticut Historical Society, Hartford, CT
- Silas Deane Papers, MS Deane1789

Gilder Lehrman Institute of American History, New York, NY
- Gilder Lehrman Collection

Historic New Orleans Collection, New Orleans, LA
- Myra Clark Gaines Collection, MS 312
- Pierre-Clément de Laussat Papers, MS 125
- Livingston Letter, MS 132

Howard-Tilton Memorial Library, Tulane University, New Orleans, LA
- Gov. William Claiborne Papers, LaRC MS Coll. 427
- Kuntz Collection, LaRC MS Coll. 600
- Laussat Proclamations, LaRC MS Coll. 660
- John McDonogh Papers, LaRC MS Coll. 30
- Jean-Baptiste Muellion Papers, LaRC MS Coll. 713
- Samuel Wilson Collection, LaRC MS Coll. 889
- John Minor Wisdom Collection, LaRC MS Coll. 230

Indiana Historical Society, Indianapolis, IN
- John Armstrong Papers, M6
- Northwest Territory Collection, M367

Library and Archives Canada, Ottawa, ONT
- Fonds du Séminaire de Saint-Sulpice (Montréal), Série II, MG17 A 7-2

Library of Congress, Washington, DC
- Burr Conspiracy Papers, MS 14415
- Jefferson Papers, MS 27748
- Madison Papers, MS 31021
- Washington Papers, MS 44693

Massachusetts Historical Society, Boston, MA
- John Adams Papers, P-54
- John Allan Papers, MS N-1755
- Boston Committee of Donations Letterbooks, MS N-2038
- Misc. Bd. 1774
- Misc. Bd. 1776
- Timothy Pickering Papers, MS N-708
- Winthrop Sargent Papers, MS N-877
- Warren-Adams Papers, P-164

National Archives, Kew, London, UK
- Records of the Colonial Office: Bahamas, CO 23
- Records of the Colonial Office: Bermuda, CO 37
- Records of the Colonial Office: Bermuda (sessional papers), CO 40
- Records of the Colonial Office: Canada, CO 42
- Records of the Colonial Office: Jamaica, CO 137
- Records of the Treasury: Treasury Board Papers, T 1

National Archives and Records Administration, Washington, DC
- Papers of Continental Congress, RG 360
- War Department Collection of Revolutionary War Records, RG 93
- Records of the Department of the Treasury, RG 217
- Records of the Office of the Secretary of War, RG 107

National Archives and Records Administration II, College Park, MD
- Records of the Bureau of Insular Affairs, RG 350
- State Department Records, RG 59

New York Public Library, New York, NY
- Samuel Adams Papers, MS Col 20
- Philip Schuyler Papers, MS Col 2701

New-York Historical Society, New York, NY
- American History Manuscript Collection

Public Record Office for Northern Ireland, Belfast, UK
- Abercorn Papers, D623
- Greer Papers, D1044
- Massereene-Foster Papers, D562
- Millin Collection, T533
- Perceval-Maxwell Papers, T1023
- Weir Papers, D1140

Rare Book and Manuscript Library, Columbia University, New York, NY
- Jay Papers

Sheffield City Archives, Sheffield, UK
- Rockingham Papers, WWM/R1

Small Special Collections Library, University of Virginia, Charlottesville, VA
Lee Family Papers, MS 38–112

Swem Library, College of William & Mary, Williamsburg, VA
Tucker-Coleman Papers, MS 40 T79

PRINTED PRIMARY SOURCES

1. Periodicals and Newspapers

American Citizen, [New York]
American Herald, [Hartford, CT]
American Museum, [Philadelphia]
Boston Evening-Post
Boston Gazette
Boston Globe
Boston Post-Boy
Centinel of the North-Western Territory, [Cincinnati]
Columbian Magazine, [Philadelphia]
Connecticut Centinel
Connecticut Gazette
Daily Advertiser, [New York]
Essex Gazette, [Salem, MA]
Financial Times, [London]
Freeman's Journal, [Dublin]
Freeman's Journal, [Philadelphia]
Gazette of Saint Jago de la Vega, [Jamaica]
Gazette of the United States, [Philadelphia]
Hibernian Journal, [Dublin]
Hibernian Magazine, or Compendium of Entertaining Knowledge, (Dublin)
Independent Journal, [New York]
Leinster Journal, [Kilkenny]
Literary Magazine and American Register, (Philadelphia)
London Gazette
Louisiana Gazette, [New Orleans]
Maryland Journal
Massachusetts Gazette
Massachusetts Spy, [Boston]
Massachusetts Spy, [Worcester]
Le Monde, [Paris]
Moniteur de la Louisiane, [Nouvelle-Orléans]
National Intelligencer, [Washington]
Newburyport Herald, [Massachusetts]
New-Hampshire Gazette
New-Jersey Journal
New London Gazette
Newport Mercury
New-York Evening Post
New-York Gazette
New-York Journal
New-York Mercury
New-York Packet

New York Times
New York Tribune
Nova-Scotia Gazette
Orleans Gazette
Otsego Herald, [Cooperstown, NY]
Pennsylvania Evening-Post
Pennsylvania Mercury
Pennsylvania Packet
Philadelphia Gazette
The Port Folio, (Philadelphia)
Providence Gazette, [Rhode Island]
Providence Phoenix, [Rhode Island]
Quebec Gazette
Royal Gazette, [Bermuda]
The Rural Magazine, [Rutland, VT]
Scioto Gazette, [Chillicothe]
The Spectator, [New York]
St Patrick's Anti-Stamp Chronicle, [Dublin]
Télégraphe, [Nouvelle-Orléans]
The Union, [New Orleans]
United States Magazine, (Philadelphia)
USA Today, [McLean, VA]
Virginia Gazette (Dixon & Hunter)
Virginia Gazette (Dixon & Nicolson)
Virginia Gazette (Purdie)
Virginia Gazette (Purdie & Dixon)
Virginia Gazette (Rind)
Washington Post

2. Pamphlets and Contemporary Publications

Adams, John, *A Defence of the Constitutions of Government in the United States of America*, vol. 1, (Philadelphia, 1787).

Adams, Samuel, *An Oration Delivered at the State-House, in Philadelphia, to a Very Numerous Audience; on Thursday the 1st of August, 1776* (London, 1776).

Appleton, Nathaniel, *A Sermon Preached October 9 Being a Public Day of Thanksgiving Occasioned by the Surrender of Montreal* (Boston, 1760).

Bailey's Pocket Almanac, Being an American Annual Register (Philadelphia, [1786]).

Baillie, Hugh, *A Letter to Dr Shebear: Containing a Refutation of his Arguments Concerning the Boston and Quebec Acts of Parliament* (London, 1775).

Baratariana, A Selection of Fugitive Political Pieces Published During the Administration of Lord Townshend in Ireland (Dublin, 1777).

Bickerstaff's Boston Almanack, or Federal Calendar (Boston, 1789).

Blackstone, William, *Commentaries on the Laws of England*, vol. 1, (Oxford, 1765).

[Bourke, Nicholas], *A Letter Concerning the Privileges of the Assembly of Jamaica* (Kingston, 1765).

Bryan, William Jennings, *Republic or Empire: The Philippine Question* (Chicago, 1899).

Burke, Aedanus, *Considerations on the Society or Order of Cincinnati* (Charleston, 1783).

Burke, Edmund, *The Speech of Edmund Burke, Esquire, On Moving his Resolutions for Conciliation with the Colonies, March 22d 1775* (New York, 1775).

Coke, Roger, *A Discourse of Trade; in Two Parts*, (London, 1670).

[Dickinson, John], *Letters From a Farmer in Pennsylvania to the Inhabitants of the British Colonies* (New York, 1768).

[Dickinson, John], *The Letters of Fabius* (Wilmington, 1797).

A Dictionary of the English Language, ed. Samuel Johnson, vol. 1, 4th edn., (London, 1777).

Drayton, William Henry, *A Charge on the Rise of the American Empire* (Charlestown, 1776).

Eliot, Andrew, *A Sermon Preached October 25th 1759, Being a Day of Public Thanksgiving* (Boston, 1759).

Eliot, Jared, *Essays upon Field-Husbandry in New-England* (Boston, 1760).

Encyclopædia Britannica, vol. 2, (Edinburgh, 1771).

Erskine, Thomas *A View of the Causes and Consequences of the Present War with France* (London, 1797).

Ferguson, Adam, *An Essay on the History of Civil Society* (Edinburgh, 1767).

[Flood, Henry], *A Letter from a Native of Barataria, to his Friend in Pensylvania* (Dublin, 1768).

The Following Patriotic Toasts were Drank on the 19th Instant, at Hampton-Hall, by a very Numerous Company of the Sons of Liberty in this City, Convened at that Place to Celebrate the Anniversary of the Repeal of the Stamp-Act ([New York, 1770]).

Franklin, Benjamin, *Observations Concerning the Increase of Mankind, Peopling of Countries, etc.* (Boston, 1755).

Gaine's Universal Register; or, Columbian Kalendar (New York, 1793).

Glover, [Richard], *The Substance of the Evidence Presented by the West-India Planters and Merchants to the House of Commons* (London, [1775]).

[Hamilton, Alexander], *The Farmer Refuted, or A more Impartial View of the Disputes Between Great-Britain and the Colonies* (New York, 1775).

Hutcheson, Francis, *Introduction to Moral Philosophy* (Glasgow, 1747).

Jefferson, Thomas, *Notes on the State of Virginia* (London, 1787).

Keith, Isaac Stockton, *The Friendly Influence of Religion and Virtue on the Prosperity of a Nation, a Sermon Preached to the Independent or Congregational Church in Charleston, South Carolina* (Charleston, 1789).

To the King's Most Excellent Majesty in Council The Humble Petition and Memorial of the Assembly of Jamaica, [*Voted in the Assembly, on the 28th of December, 1774*] (Philadelphia, 1775).

Langrishe, Hercules, *Considerations on the Dependencies of Great-Britain* (Dublin, 1769).

A Letter from the Town of Boston, to C. Lucas, Esq (Dublin, [1770]).

Lucas, Charles, *An Address to the Right Honorable Lord Mayor, the Worshipful the Board of Aldermen, the Sheriffs, Commons, Citizens, and Freeholders of Dublin, Relating to the Augmentation of the Military Force in the Kingdom of Ireland* (London, 1768).

Lucas, Charles, *The Liberties and Customs of Dublin Asserted and Demonstrated upon the Principles of Law, Justice, and Good Policy* (Dublin, 1768).

Lucas, Charles, *To the Right Honorable the Lord-Mayor, the Alderman, Sheriffs, Commons, Citizens, and Freeholders of Dublin, The Address of Charles Lucas, M.D.* (Dublin, 1765).

Madison, James, *A Sermon Preached before the Convention of the Protestant Episcopal Church in the State of Virginia on the Twenty-Six of May 1786* (Richmond, 1786).

Masères, Francis, *Considerations on the Expediency of Procuring an Act of Parliament for the Settlement of the Province of Quebec* (London, 1766).

Observations sur les Démêlés entre les Etats-Unis et la France (Londres, 1798).

Otis, James, *The Rights of the British Colonies Asserted and Proved* (Boston, 1764).

[Paine, Robert Treat], *The Art of Making Common Salt Particularly Adapted to the use of the American Colonies* (Boston, 1776).

Paine, Thomas, *Public Good: Being an Examination into the Claim of Virginia to the Vacant Western Territory, and of the Right of the United States to the Same: To Which is Added, Proposals for Laying off a New State, to be Applied as a Fund for Carrying on the War, or Redeeming the National Debt* (Philadelphia, 1780).

Reasons Why the British Colonies in America Should Not Be Charged with Internal Taxes, By Authority of Parliament Humbly Offered for Consideration in Behalf of the Colony of Connecticut (New Haven, 1764).

Report from the Committee Appointed to Enquire into the Present State of the Linen Trade in Great Britain and Ireland ([London], 1773).

Robertson, William, *History of America* (London, 1777).

Rush, Benjamin, *Essays, Literary, Moral & Philosophical* (Philadelphia, 1798).

de Secondat, Charles-Louis, *The Spirit of Laws*, 4th edn., vol. 1, (Edinburgh, 1768).

A Selection of the Patriotic Addresses to the President of the United States Together with the President's Answers (Boston, 1798).

Several Methods of Making Salt-Petre; As Recommended to the Inhabitants of the United Colonies by their Representatives in Congress (Philadelphia, 1775).

Smith, Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations*, vol. 3, (Philadelphia, 1789).

Stiles, Ezra, *The United States Elevated to Glory and Honor, A Sermon Preached Before His Excellency Jonathan Trumbull…the General Assembly of the State of Connecticut* (New Haven, 1783).

[Trenchard, John and Thomas Gordon], *Cato's Letters; or, Essays on Liberty, Civil and Religious*, 3rd edn., vol. 4, (London, 1723).

[Tucker, St George] as Columbus, *Cautionary Hints to Congress, Respecting the Sale of the Western Lands, Belonging to the United States* (Philadelphia, 1795).

[Tucker, St George] as Sylvestris, *Reflections on the Cession of Louisiana to the United States* (Washington, 1803).

[Tucker, John Harvey] as Isocrates, *The Question of the Bahama Jurisdiction over the Turk's Islands: Discussed in a Letter to the Assembly of the Bermuda or Somer's Islands* (London, 1803).

Tull, Jethro, *Horse-Hoeing Husbandry: Or, an Essay on the Principles of Vegetation and Tillage*, 4th edn., (London, 1762).

Twamley, Josiah, *Dairying Exemplified, or the Business of Cheese-making* (Warwick, 1784).

Washington, George, *A Circular letter, from His Excellency George Washington, Commander in Chief of the Armies of the United States of America* (Philadelphia, 1783).

Woodhull, John, *A Sermon, for the Day of Publick Thanksgiving…on Account of the Establishment of the New Constitution…By the…Pastor of the First Presbyterian Church* (Trenton, 1790).

Young, Arthur, *Political Essays Concerning the Present State of the British Empire* (London, 1772).

[Zubly, John Joachim], *An Humble Enquiry into the Nature of the Dependency of the American Colonies upon the Parliament of Great-Britain* (Charleston, 1769).

3. Published Correspondence, Documents, Legislative Journals, etc.

An Account of the Proceedings of the British and other Protestant Inhabitants in the Province of Quebeck…in Order to Obtain an House of Assembly, ed. Francis Masères, (London, 1775).

The Adams Papers: *Family Correspondence*, vols. 1-9, ed. H. L. Butterfield, C. James Taylor, *et al*., (Cambridge [MA], 1963-2009).

The Adams Papers: Papers of John Adams, vols. 3-16, ed. Robert Taylor, Gregg Lint, *et al*., (Cambridge [MA], 1979-2012).

American Archives: Consisting of a Collection of Authentick Records, State Papers, Debates, and Letters, 4th ser., vols. 1-4, ed. Peter Force, (Washington, 1837).

The British in Boston: Being the Diary of Lieutenant John Barker of the King's Own Regiment from November 15, 1774 to May 31, 1776, ed. Elizabeth Dana, (Cambridge [MA], 1924).

Colonial Records of Pennsylvania, vol. 10, (Harrisburg, 1852).

The Colonial South Carolina Scene: Contemporary Views, 1697-1774, ed. Harry Roy Merrens, (Charleston, 1977).

Debates and Proceedings of the Congress of the United States, 1st-12th Congress, ed. Joseph Gales, (Washington, 1834-1853).

The Diaries of Simeon Perkins, 1766-1780, vol. 1, ed. Harold Innis, (Toronto, 1948).

Hansard's Parliamentary Debates, 2nd ser., vol. 19, (London, 1829).

Histoire de la Participation de la France à l'établissement des États-Unis d'Amérique: Correspondance Diplomatique et Documents, ed. Henri Doniol, vol. 4, (Paris, 1890).

Invasion du Canada: Collection de Mémoires, vol. 1, ed. Hospice-Anthelme Verreau, (Montréal, 1873).

Journal of the House of Representatives of the Territory of the United States, North-West of the River Ohio, (Cincinnati, [1800]).

Journal of the Legislative Council of the Territory of the United States, North-west of the River Ohio, (Cincinnati, [1800]).

Journals of the Continental Congress, vols. 1-32, ed. W.C. Ford, Roscoe Hill, *et al*., (Washington, 1904-1936).

Journals of the House of Commons of the Kingdom of Ireland, vols. 8-9, (Dublin, 1796).

Journals of the House of Delegates of Virginia, 1776 (Richmond, 1828).

Journals of the House of Representatives of Massachusetts, vol. 44, (Boston, 1975).

Letters of Delegates to Congress, vols. 1-24, ed. Paul H. Smith, (Washington, 1976-1996).

The Maseres Letters, 1766-1768, ed. W. Stewart Wallace, (Toronto, 1919).

Massachusetts Soldiers and Sailors of the Revolutionary War, vol. 16, (Boston, 1907).

Naval Documents of the American Revolution, vols. 1-2, ed. William Clark, (Washington, 1964-1966).

The Papers of Alexander Hamilton, vols. 4-15, ed. Harold Syrett, (New York, 1962-1969).

The Papers of Benjamin Franklin, vols. 7-38, eds. Leonard Labaree, Ellen Cohn, *et al*., (New Haven, 1963-2006).

The Papers of George Washington, Confederation Series, vols. 2-6, ed. W.W. Abbot, (Charlottesville, 1997).

The Papers of George Washington, Presidential Series, vols. 2-11, ed. Dorothy Twohig, Mark Mastromarino *et al.*, (Charlottesville, 1987-2000).

The Papers of George Washington, Revolutionary War Series, vol. 1-20, ed. Philander D. Chase *et al.*, (Charlottesville, 1985-2010).

The Papers of Henry Clay: The Rising Statesman, 1797-1814, vol. 1, ed. James Hopkins, (Lexington, 1959).

The Papers of James Madison, vols. 1-9, ed. William Hutchinson, Charles Hobson, Robert Rutland, *et al.*, (Chicago, 1962 – Charlottesville, 1979).

The Papers of James Madison, Presidential Series, vol. 2, eds. J. C. A. Stagg *et. al.*, (Charlottesville, 1991).

The Papers of James Madison, Secretary of State Series, vols. 3-6, eds. David B. Mattern, J. C. A. Stagg, *et. al.*, (Charlottesville, 1995-2002).

The Papers of Robert Treat Paine, vol. 3, ed. Edward Hanson, (Boston, 2005).

The Papers of Thomas Jefferson, vols. 1-42, ed. Julian Boyd, Barbara Oberg, *et al*., (Princeton, 1950-2016).

The Papers of Thomas Jefferson, Retirement Series, vols. 7-11, J. Jefferson Looney, (Princeton, 2011-2014).

The Parliamentary History of England, vol. 21, (London, 1814).

Parliamentary Register, 14th Parliament, vols. 1-9, (London, 1802).

Porter, David, *Journal of a Cruise Made to the Pacific Ocean, by Captain David Porter, in the United States Frigate Essex, in the Years 1812, 1813, and 1814*, vol. 2, (New York, 1822).

Revolutionary Diplomatic Correspondence of the United States, vol. 2, ed. Francis Wharton, (Washington, 1889).

Ryder, Nathaniel, 'The Parliamentary Diaries of Nathaniel Ryder, 1764-1767' in P.D.G. Thomas (ed.), *Camden Miscellany*, no. 23, 4th ser., vol. 7, (London, 1969), pp. 229-351.

The St. Clair Papers: The Life and Public Services of Arthur St. Clair, vol. 2, ed. William Henry Smith, (Cincinnati, 1882).

The Territorial Papers of the United States, vol. 2, *The Northwest Territory*, ed. Clarence Carter, (Washington, 1934).

Votes and Proceedings of the General Assembly of the State of Maryland, vol. 31, (Annapolis, 1814).

William Plumer's Memorandum of the Proceedings in the United States Senate, 1803-1807, ed. Everett Brown, (New York, 1923).

The Works of Benjamin Franklin, vol. 10, ed. Jared Sparks, (Boston, 1840).

The Writings of Theobald Wolfe Tone, 1763-98, vol. 2, ed. T.W. Moody, R.B. McDowell, and C.J. Woods, (Oxford, 2001).

PRINTED SECONDARY SOURCES

Abernethy, Thomas Perkins, *Western Lands and the American Revolution* (New York, 1937).

Aldrich, Robert and John Connell, *The Last Colonies* (Cambridge [UK], 1998).

Ammerman, David, *In the Common Cause: American Response to the Coercive Acts of 1774* (Charlottesville, 1974).

Anderson, Mark, *The Battle for the Fourteenth Colony: America's War of Liberation in Canada, 1774-1776* (Hanover, 2013).

Armitage, David, 'Empire and Liberty: A Republican Dilemma' in Martin van Geldern and Quentin Skinner (eds.), *Republicanism: A Shared European Heritage*, vol. 2, (Cambridge [UK], 2002), pp. 29-46.

Armitage, David, 'Greater Britain: A Useful Category of Historical Analysis?', *American Historical Review*, vol. 104, no. 2 (1999), pp. 427-445.

Armitage, David, *The Ideological Origins of the British Empire* (Cambridge [UK], 2000).

Bacevich, Andrew, *American Empire: The Realities and Consequences of US Diplomacy* (Cambridge [MA], 2002).

Bailyn, Bernard, *The Ideological Origins of the American Revolution* (Cambridge [MA], 1967).

Baldwin, Leland, *Whiskey Rebels: The Story of a Frontier Uprising* (Pittsburgh, 1939).

Bancroft, George, *History of the United States of America, from the Discovery of the Continent*, vol. 6, (New York, 1888).

Bannister, Jerry, *The Rule of the Admirals: Law, Custom, and Naval Government in Newfoundland, 1699-1832* (Toronto, 2003).

Barbé-Marbois, François, *Histoire de la Louisiane et la Cession de cette Colonie par la France aux États-Unis de l'Amérique Septentrionale* (Paris, 1829).

Bartlett, Thomas, '"This famous island set in a Virginian sea": Ireland in the British Empire, 1690-1801' in P.J. Marshall (ed.), *The Oxford History of the British Empire*, vol. 2, (Oxford, 1998), pp. 253-275.

Beeman, Richard, *Our Lives, Our Fortunes and Our Sacred Honor: The Forging of American Independence, 1774-1776* (New York, 2013).

Bell, Duncan, *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900* (Princeton, 2007).

Bemis, Samuel Flagg, *A Diplomatic History of the United States* (New York, 1936).

Bemis, Samuel Flagg, 'Relations between the Vermont Separatists and Great Britain, 1789-1791', *American Historical Review*, vol. 21, no. 3 (1916), pp. 547-553.

Benton, Lauren and Richard Ross, 'Empires and Legal Pluralism: Jurisdiction, Sovereignty, and Political Imagination in the Early Modern World' in Lauren Benton and Richard Ross (eds.), *Legal Pluralism and Empires, 1500-1850* (New York, 2013), pp. 1-17.

Berkhofer, Robert, 'Jefferson, the Ordinance of 1784, and the Origins of the American Territorial System', *William and Mary Quarterly*, vol. 29, no. 2 (1972), pp. 231-262.

Berkhofer, Robert, 'The Northwest Ordinance and the Principle of Territorial Evolution' in John Bloom (ed.), *The American Territorial System* (Athens [OH], 1973), pp. 45-55.

Bernhard, Virginia, *Slaves and Slaveholders in Bermuda, 1616-1782* (Columbia, 2016).

Biagetti, Samuel, 'Enlightenment and Revolution: The Case of Louisiana, 1768', *American Studies*, vol. 12, no. 1 (2014), pp. 68-92.

Bilder, Mary Sarah, 'English Settlement and Local Government' in Michael Grossberg and Christopher Tomlins (eds.), *Cambridge History of Law in America*, vol. 1, (Cambridge [UK], 2008), pp. 63-103.

Bird, Harrison, *Attack on Quebec: The American Invasion of Canada, 1775* (Oxford, 1968).

Blainey, Geoffrey, *The Tyranny of Distance: How Distance Shaped Australia's History* (Melbourne, 1966).

Blume, William Wirt, 'Legislation on the American Frontier: Adoption of Laws by Governor and Judges: Northwest Territory 1788-1798; Indiana Territory 1800-1804; Michigan Territory 1805-1823', *Michigan Law Review*, vol. 60, no. 3 (1962), pp. 317-372.

Bordo, Michael and Eugene White, 'A Tale of Two Currencies: British and French Finance During the Napoleonic Wars', *Journal of Economic History*, vol. 51, no. 2 (1991), pp. 303-316.

Bowman, Larry, 'The Scarcity of Salt in Virginia during the American Revolution', *Virginia Magazine of History and Biography*, vol. 77, no. 4 (1969), pp. 464-472.

Boyd, Julian, 'Thomas Jefferson's "Empire of Liberty"', *Virginia Quarterly Review*, vol. 24, no. 4 (1948), pp. 538-554.

Bradburn, Douglas, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville, 2009).

Brands, H.W., *Bound to Empire: The United States and the Philippines* (Oxford, 1992).

Brasseaux, Carl, Claude Oubre, and Keith Fontenot, *Creoles of Color in the Bayou Country* (Jackson [MS], 1996).

Breen, T.H., 'Ideology and Nationalism on the Eve of the American Revolution: Revisions Once More in Need of Revising', *Journal of American History*, vol. 84, no. 1 (1997), pp. 13-39.

Breen, T.H., *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (Oxford, 2004).

Brewer, John, 'The Misfortunes of Lord Bute: A Case-Study in Eighteenth-Century Political Argument and Public Opinion', *Historical Journal*, vol. 16, no. 1 (1973), pp. 3-43.

Brody, David, *Visualizing American Empire: Orientalism & Imperialism in the Philippines* (Chicago, 2010).

Brooke, John, 'Patriarchal Magistrates, Associated Improvers, and Monitoring Militias: Visions of Self-Government in the Early American Republic, 1760-1840' in Peter Thompson and Peter Onuf (eds.), *State and Citizen: British America and the Early United States* (Charlottesville, 2013), pp. 178-205.

Brown, Everett, 'The Senate Debate on the Breckinridge Bill for the Government of Louisiana, 1804', *American Historical Review*, vol. 22, no. 2 (1917), pp. 340-364.

Brown, Gayle, 'The Impact of the Colonial Anti-Catholic Tradition on the Canadian Campaign, 1775-1776', *Journal of Church and State*, vol. 35, no. 3 (1993), pp. 559-575.

Bryce, James, *Modern Democracies*, vol. 2, (New York, 1921).

Bumsted, J.M., '"Things in the Womb of Time": Ideas of American Independence, 1633 to 1763', *William and Mary Quarterly*, vol. 31, no. 4 (1974), pp. 533-564.

Burnett, Edmund, *The Continental Congress* (New York, 1941).

Cangany, Catherine, *Frontier Seaport: Detroit's Transformation into an Atlantic Entrepôt* (Chicago, 2014).

Canny, Nicholas, 'Identity Formation in Ireland: The Emergence of the Anglo-Irish' in Nicholas Canny and Anthony Pagden (eds.), *Colonial Identity in the Atlantic World, 1500-1800* (Princeton, 1987), pp. 159-212.

Carp, Benjamin, *Defiance of the Patriots: The Boston Tea Party and the Making of America* (New Haven, 2010).

Cayton, Andrew R.L., 'The Contours of Power in a Frontier Town: Marietta, Ohio, 1788-1803', *Journal of the Early Republic*, vol. 6, no. 2 (1986), pp. 103-126.

Cayton, Andrew R.L., *The Frontier Republic: Ideology and Politics in the Ohio Country, 1780-1825* (Kent [OH], 1986).

Cayton, Andrew R.L., 'Land, Power, and Reputation: The Cultural Dimension of Politics in the Ohio Country', *William and Mary Quarterly*, vol. 47, no. 2 (1990), pp. 266-286.

Chaplin, Joyce, *The First Scientific American: Benjamin Franklin and the Pursuit of Genius* (New York, 2006).

Clark, Wesley, *Winning Modern Wars: Iraq, Terrorism, and the American Empire* (New York, 2003).

Cogliano, Francis, *Emperor of Liberty: Thomas Jefferson's Foreign Policy* (New Haven, 2014).

Cogliano, Francis, *No King, No Popery: Anti-Catholicism in Revolutionary New England* (Westport [CT], 1995).

Coles, Edward, *History of the Ordinance of 1787* (Philadelphia, 1856).

Colley, Linda, *Britons: Forging the Nation, 1707-1837* (London, 1992).

Constantine, Stephen, *Community and Identity: The Making of Modern Gibraltar since 1704* (Manchester, 2009).

Couch, R. Randall, 'The Public Masked Balls of Antebellum New Orleans: A Custom of Masque outside the Mardi Gras Tradition', *Louisiana History*, vol. 35, no. 4 (1994), pp. 403-431.

Coupland, Reginald, *The Quebec Act: A Study in Statesmanship* (Oxford, 1968).

Creighton, Donald, *The Empire of the St Lawrence* (Toronto, 1956).

Crooks, Peter, 'Exporting Magna Carta: Exclusionary Liberties in Ireland and the World', *History Ireland*, vol. 23, no. 4 (2015), pp. 14-17.

Dargo, George, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions* (Cambridge [MA], 1975).

Darwin, John, 'Imperialism and the Victorians: The Dynamics of Territorial Expansion', *English Historical Review*, vol. 112, no. 447 (1997), pp. 614-642.

Dawson, Kevin, 'Enslaved Ship Pilots in the Age of Revolutions: Challenging Notions of Race and Slavery between the Boundaries of Land and Sea', *Journal of Social History*, vol. 47, no. 1 (2013), pp. 71-100.

DeConde, Alexander, *This Affair of Louisiana* (New York, 1976).

Dickinson, Harry, ‘Magna Carta in the American Revolution’ in Lawrence Goldman (ed.), *Magna Carta: History, Context and Influence* (London, 2018), pp. 79-100.

Doll, Peter, *Revolution, Religion, and National Identity: Imperial Anglicanism in British North America, 1745-1795* (Madison [NJ], 2000).

DuBois, Laurent, ‘The Haitian Revolution and the Sale of Louisiana; or, Thomas Jefferson’s (Unpaid) Debt to Jean-Jacques Dessalines’ in Peter Kastor and François Weil (eds.), *Empires of the Imagination: Transatlantic Histories of the Louisiana Purchase* (Charlottesville, 2009), pp. 93-116.

Eames, Wilberforce, ‘The Antigua Press and Benjamin Mecom, 1748-1765’, *Proceedings of the American Antiquarian Society*, vol. 36, (1928), pp. 303-348.

Eblen, Jack, *The First and Second United States Empires: Governors and Territorial Government, 1784-1912* (Pittsburgh, 1968).

Edwards, Owen Dudley, ‘The American Image of Ireland: A Study of its Early Phases’ in *Perspectives in American History*, vol. 4, (Cambridge [MA], 1970), pp. 199-282.

Everest, Allan, *Moses Hazen and the Canadian Refugees in the American Revolution* (Syracuse, 1976).

Ferling, John, *Independence: The Struggle to Set America Free* (New York, 2011).

Finkelman, Paul, ‘Slavery and the Northwest Ordinance: A Study in Ambiguity’, *Journal of the Early Republic*, vol. 6, no. 4 (1986), pp. 343-370.

Fyson, Donald, *Magistrates, Police, and People: Everyday Criminal Justice in Quebec and Lower Canada, 1764-1837* (Toronto, 2006).

Gardner, Lloyd, *Imperial America: American Foreign Policy Since 1898* (New York, 1976).

Gardner, Jared, *The Rise and Fall of Early American Magazine Culture* (Urbana, 2012).

Gauci, Perry, ‘Learning the Ropes of Sand: The West India Lobby, 1714-60’ in Perry Gauci (ed.), *Regulating the British Economy, 1660-1850* (Farnham, 2011), pp. 107-121.

Gipson, Lawrence H., *The British Empire Before the American Revolution*, vol. 13, (New York, 1967).

Girard, Philippe, ‘Rêves d’Empire: French Revolutionary Doctrine and Military Interventions in the Southern United States and the Caribbean, 1789-1809’, *Louisiana History*, vol. 48, no. 4 (2007), pp. 389-412.

Gitlin, Jay, *The Bourgeois Frontier: French Towns, French Traders, and American Expansion* (New Haven, 2010).

Goodfriend, Joyce, *Before the Melting Pot: Society and Culture in Colonial New York City, 1664-1730* (Princeton, 1992).

Gould, Eliga, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge [MA], 2012).

Gould, Eliga, *The Persistence of Empire: British Political Culture in the Age of the American Revolution* (Chapel Hill, 2000).

Greenberg, Amy, *Manifest Manhood and the Antebellum American Empire* (Cambridge [UK], 2003).

Greene, Jack, 'Empire and Identity from the Glorious Revolution to the American Revolution' in *The Oxford History of the British Empire*, vol. 2, ed. P.J. Marshall, (Oxford, 1998), pp. 208-230.

Greene, Jack, *Evaluating Empire and Confronting Colonialism in Eighteenth-Century Britain* (Cambridge [UK], 2013).

Greene, Jack, *Negotiated Authorities: Essays in Colonial Political and Constitutional History* (Charlottesville, 1994).

Greene, Jack, *Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607-1788* (Athens [GA], 1986).

Gregory, Desmond, *Minorca, the Illusory Prize: A History of the British Occupations of Minorca Between 1708 and 1802* (London, 1990).

Griffin, Patrick, *American Leviathan: Empire, Nation, and Revolutionary Frontier* (New York, 2007).

Griffin, Patrick, 'America's Changing Image in Ireland's Looking-Glass: Provincial Construction of an Eighteenth-Century British Atlantic World', *Journal of Imperial and Commonwealth History*, vol. 26, no. 3 (1998), pp. 28-49.

Halliday, Paul, *Habeas Corpus: From England to Empire* (Cambridge [MA], 2010).

Hamilton, Phillip, *The Making and Unmaking of a Revolutionary Family: The Tuckers of Virginia, 1752-1830* (Charlottesville, 2003).

'Hamilton on the Louisiana Purchase: A Newly Identified Editorial from the *New-York Evening Post*', *William and Mary Quarterly*, vol. 12, no. 2 (1955), pp. 268-281.

Hamowy, Ronald, '*Cato's Letters*, John Locke, and the Republican Paradigm', *History of Political Thought*, vol. 11, no. 2 (1990), pp. 273-294.

Hanger, Kimberly, 'Patronage, Property and Persistence: The Emergence of a Free Black Elite in Spanish New Orleans', *Slavery & Abolition*, vol. 17, no. 1 (1996), pp. 44-64.

Harlow, Vincent, *The Founding of the Second British Empire, 1763-1793*, vol. 2, (London, 1964).

Harris, Bob, 'The Patriot Clubs of the 1750s' in James Kelly and Martyn Powell (eds.), *Clubs and Societies in Eighteenth-Century Ireland* (Dublin, 2010), pp. 224-243.

Harris, Richard, *The Seigneurial System in Early Canada: A Geographical Study* (Montréal, 1984).

Hatch, Robert, *Thrust for Canada: The American Attempt on Quebec in 1775-1776* (Boston, 1979).

Hay, Douglas, 'The Meanings of the Criminal Law in Quebec 1764 to 1774' in Louis Knafla (ed.), *Crime and Justice in Europe and Canada* (Waterloo [ONT], 1981), pp. 77-100.

Haydon, Colin, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80: A Political and Social Study* (Manchester, 1993).

Healy, David, *US Expansionism: The Imperial Urge in the 1890s* (Madison, 1976).

Hendrickson, David, *Peace Pact: The Lost World of the American Founding* (Lawrence, 2003).

Hietala, Thomas, *Manifest Design: American Exceptionalism and Empire* (Ithaca, 1985).

Hill, Peter, *Joel Barlow: American Diplomat and Nation Builder* (Washington, 2012).

Hill, Jacqueline, *From Patriots to Unionists: Dublin Civil Politics and Irish Protestant Patriotism, 1660-1840* (Oxford, 1997).

Hilldrup, R.L., 'The Salt Supply of North Carolina during the American Revolution', *North Carolina Historical Magazine*, vol. 22, no. 4 (1945), pp. 393-417.

Holland, Bernard Henry, *Imperium et Libertas: A Study in History and Politics* (London, 1901).

Hoppit, Julian, 'Bounties, the Economy and the State in Britain, 1689-1800' in Perry Gauci (ed.), *Regulating the British Economy, 1660-1850* (Farnham, 2011), pp. 139-160.

Horsman, Reginald, 'The Dimensions of an "Empire for Liberty": Expansion and Republicanism, 1775-1825', *Journal of the Early Republic*, vol. 9, no. 1 (1989), pp. 1-20.

Humphrey, David, *From King's College to Columbia, 1746-1800* (New York, 1976).

Ingersoll, Thomas, 'Free Blacks in a Slave Society: New Orleans, 1718-1812', *William and Mary Quarterly*, vol. 48, no. 2 (1991), pp. 173-200.

Innis, Harold, *The Fur Trade in Canada* (Toronto, 1962).

Irvin, Benjamin, *Clothed in Robes of Sovereignty: The Continental Congress and the People Out of Doors* (Oxford, 2011).

Isaacson, Walter, *Benjamin Franklin: An American Life* (New York, 2003).

Jarvis, Michael, *Bermuda's Architectural Heritage: St George's* (Hamilton [Bermuda], 1998).

Jarvis, Michael, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783* (Chapel Hill, 2010).

Jenkins, Ernest, *A History of the French Navy: From Its Beginnings to the Present Day* (London, 1973).

Jenks, William L., 'Territorial Legislation by Governor and Judges', *Mississippi Valley Historical Review*, vol. 5, no. 1 (1918), pp. 36-50.

Johnson, Walter, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge [MA], 2013).

Kaestle, Carl, 'Public Education in the Old Northwest: "Necessary to Good Government and the Happiness of Mankind"', *Indiana Magazine of History*, vol. 84, no. 1 (1988), pp. 60-74.

Kaplan, Lawrence, *Thomas Jefferson: Westward the Course of Empire* (Wilmington, 1999).

Karnow, Stanley, *In Our Image: America's Empire in the Philippines* (New York, 1989).

Kastor, Peter, *The Nation's Crucible: The Louisiana Purchase and the Creation of America* (New Haven, 2004).

Kastor, Peter and François Weil, 'Introduction' in Peter Kastor and François Weil (eds.), *Empires of the Imagination: Transatlantic Histories of the Louisiana Purchase* (Charlottesville, 2009), pp. 1-22.

Kerguelen-Trémarec, Yves-Joseph de, *Relation des Combats et des Événements de la Guerre Maritime de 1778 entre la France et l'Angleterre* ([Paris], 1796).

Kerr, Wilfred, *Bermuda and the American Revolution, 1760-1783* (Princeton, 1936).

Kettner, James, *The Development of American Citizenship, 1608-1870* (Chapel Hill, 1978).

Kidder, Frederic, *Military Operations in Eastern Maine and Nova Scotia during the Revolution* (Albany, 1867).

Kim, Daeryoon, 'Political Convention and the Merchant in the Later Eighteenth Century' in Perry Gauci (ed.), *Regulating the British Economy, 1660-1850* (Farnham, 2011), pp. 123-137.

Kim, Sung Bok, *Landlord and Tenant in Colonial New York: Manorial Society, 1664-1775* (Chapel Hill, 1978).

Kulikoff, Allan, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill, 1986).

Labaree, Leonard, *Royal Government in America: A Study of the British Colonial System Before 1783* (New Haven, 1930).

LaChance, Paul, 'The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration and Impact', *Louisiana History*, vol. 29, no. 2 (1988), pp. 109-141.

LaCroix, Alison, *The Ideological Origins of American Federalism* (Cambridge [MA], 2010).

LaFeber, Walter, *The New Empire: An Interpretation of American Expansion, 1860-1898* (Ithaca, 1975).

Lanctôt, Gustave, *Canada and the American Revolution, 1774-1783*, trans. Margaret Cameron, (Toronto, 1967).

Landon, Fred, *Western Ontario and the American Frontier* (Toronto, 1967).

Lawson, Gary and Guy Siedman, *The Constitution of Empire: Territorial Expansion and American Legal History* (New Haven, 2004).

Lewis, James, *The American Union and the Problem of Neighborhood: The United States and the Collapse of the Spanish Empire, 1783-1829* (Chapel Hill, 1998).

Lewis, James, 'A Tornado on the Horizon: The Jefferson Administration, the Retrocession Crisis, and the Louisiana Purchase' in Peter Kastor and François Weil (eds.), *Empires of the Imagination: Transatlantic Histories of the Louisiana Purchase* (Charlottesville, 2009), pp. 117-140.

Long, David, 'David Porter: Pacific Ocean Gadfly' in James C. Bradford (ed.), *Command Under Sail: Makers of the American Naval Tradition, 1775-1850* (Annapolis, 1985), pp. 177-185.

Lowell, Edward, *The Hessians and other German Auxiliaries of Great Britain in the Revolutionary War* (New York, 1884).

Maier, Pauline, *Ratification: The People Debate the Constitution, 1787-1788* (New York, 2010).

Malone, Dumas and Basil Rauch, *Empire for Liberty: The Genesis and Growth of the United States of America*, vol. 1, (New York, 1960).

Marienstras, Élise, «L'Empire de la liberté selon Thomas Jefferson: un oxymore emblématique de la pensée nationale américaine à l'époque de l'expédition de Lewis et Clark», *Revue de la Société d'études anglo-américaines des XVIIe et XVIIIe siècles*, vol. 63, no. 1 (2006), pp. 155-170.

Marr, Harriet, *The Old New England Academies* (New York, 1959).

Marshall, P.J., 'Britain and the World in the Eighteenth Century: II, Britons and Americans', *Transactions of the Royal Historical Society*, vol. 9, (1999), pp. 1-16.

Maurer, Noel, *The Empire Trap: The Rise and Fall of US Intervention to Protect American Property Overseas, 1893-2013* (Princeton, 2013).

May, Ernest, *American Imperialism: A Speculative Essay* (New York, 1968).

McBride, Ian, *Scripture Politics: Ulster Presbyterians and Irish Radicalism in the Late Eighteenth Century* (Oxford, 1998).

McConville, Brendan, *The King's Three Faces: The Rise & Fall of Royal America, 1688-1776* (Chapel Hill, 2006).

McCormick, Richard, 'The "Ordinance" of 1784?', *William and Mary Quarterly*, vol. 50, no. 1 (1993), pp. 112-122.

McCoy, Drew, *The Elusive Republic*: *Political Economy in Jeffersonian America* (Chapel Hill, 1980).

McCusker, John, 'The American Invasion of Nassau in the Bahamas', *American Neptune*, vol. 25, no. 3 (1965), pp. 189-217.

McGovney, Dudley Odell, 'The British Privy Council's Power to Restrain the Legislatures of Colonial America: Power to Disallow Statutes: Power to Veto', *University of Pennsylvania Law Review*, vol. 94, no. 1 (1945), pp. 59-93.

McKenna, Rebecca, *American Imperial Pastoral: The Architecture of US Colonialism in the Philippines* (Chicago, 2017).

McLaughlin, Andrew, 'The Background of American Federalism', *American Political Science Review*, vol. 12, no. 2 (1918), pp. 215-240.

McMahon, Robert, 'The Republic as Empire: American Foreign Policy in the American Century' in Harvard Sitkoff (ed.), *Perspectives On Modern America: Making Sense of the Twentieth Century* (Oxford, 2001), pp. 80-99.

Meek, Ronald, *Social Science and the Ignoble Savage* (Cambridge [UK], 1983).

Meinig, Donald, *The Shaping of America: A Geographical Perspective on 500 Years of History*, vol. 2, (New Haven, 1993).

Merk, Frederick, *Manifest Destiny and Mission in American History: A Reinterpretation* (New York, 1963).

Miller, Stuart Creighton, "*Benevolent Assimilation*"*: The American Conquest of the Philippines, 1899-1903* (New Haven, 1982).

Milobar, David, 'The Origins of British-Quebec Merchant Ideology: New France, the British Atlantic and the Constitutional Periphery, 1720-1770', *Journal of Imperial and Commonwealth History*, vol. 24, no. 3 (1996), pp. 364-390.

Morgan, H. Wayne, *America's Road to Empire: The War with Spain and Overseas Expansion* (New York, 1993).

Morley, Vincent, *Irish Opinion and the American Revolution, 1760-1783* (Cambridge [UK], 2002).

Mosher, Michael, 'Montesquieu on Empire and Enlightenment' in Sankar Muthu (ed.), *Empire and Modern Political Thought* (Cambridge [UK], 2012), pp. 112-154.

Murphy, Lucy, *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie du Chien, 1750-1860* (New York, 2014).

Neatby, Hilda, 'Pierre Guy: A Montreal Merchant of the Eighteenth Century', *Eighteenth-Century Studies*, vol. 5, no. 2 (1971), pp. 224-242.

Nedervelt, Ross, 'Caught between Realities: The American Revolution, the Continental Congress and Political Turmoil in the Bahama Islands', *Journal of Imperial and Commonwealth History*, vol. 43, no. 5 (2015), pp. 747-769.

Nelson, William, *The Common Law in Colonial America*, vol. 2, (Oxford, 2013).

Nettels, Curtis P., *The Emergence of a National Economy, 1775-1815* (New York, 1962).

Nolan, James Bennet, *Benjamin Franklin in Scotland and Ireland, 1759 and 1771* (Philadelphia, 1938).

Nolt, Steven, *Foreigners in Their Own Land: Pennsylvania Germans in the Early Republic* (State Park [PA], 2002).

O'Shaughnessy, Andrew, *An Empire Divided*: *The American Revolution and the British Caribbean* (Philadelphia, 2000).

O'Shaughnessy, Andrew, 'The Formation of a Commercial Lobby: The West India Interest, British Colonial Policy and the American Revolution', *Historical Journal*, vol. 40, no. 1 (1997), pp. 71-95.

O'Shaughnessy, Andrew, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of the Empire* (New Haven, 2013).

Onuf, Peter, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville, 2000).

Onuf, Peter, 'State-Making in Revolutionary America: Independent Vermont as a Case Study', *Journal of American History*, vol. 67, no. 4 (1981), pp. 797-815.

Onuf, Peter, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington, 1987).

Osiander, Andreas, 'Sovereignty, International Relations, and the Westphalian Myth', *International Organization*, vol. 55, no. 2 (2001), pp. 251-287.

Owens, Robert, 'Jeffersonian Benevolence of the Ground: The Indian Land Cession Treaties of William Henry Harrison', *Journal of the Early Republic*, vol. 22, no. 3 (2002), pp. 405-435.

Owsley, Lawrence and Gene Smith, *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821* (Tuscaloosa, 1997).

Packwood, Cyril Outerbridge, *Chained on the Rock: Slavery in Bermuda* (Hamilton [Bermuda], 1975).

Pagden, Anthony, *Lords of All the World: Ideologies of Empire in Spain, Britain and France, 1500-1800* (New Haven, 1995).

Parish, John, *The Emergence of the Idea of Manifest Destiny* (Los Angeles, 1932).

Philbrick, Francis, *The Laws of Illinois Territory, 1809-1818*, vol. 25, (Springfield, 1950).

Phillips, Ulrich, *American Negro Slavery*: *A Survey of the Supply, Employment, and Control of Negro Labor, as Determined by the Plantation Regime* (New York, 1918).

Pocock, J.G.A., 'British History, A Plea for a New Subject', *Journal of Modern History*, vol. 47, no. 4 (1975), pp. 601-621.

Pocock, J.G.A., *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975).

Pocock, J.G.A., ‘States, Republics, and Empires: The American Founding in Early Modern Perspective’ in Terence Ball and J.G.A. Pocock (eds.), *Conceptual Change and the Constitution* (Lawrence, 1988), pp. 55-77.

Poole, William Frederick, ‘Dr. Cutler and the Ordinance of 1787’, *North American Review*, vol. 122, no. 251 (1876), pp. 229-265.

Powell, Martyn, *Britain and Ireland in the Eighteenth-Century Crisis of Empire* (Basingstoke, 2003).

Powell, Martyn, ‘The Society of Free Citizens and Other Popular Political Clubs, 1749-1789’ in James Kelly and Martyn Powell (eds.), *Clubs and Societies in Eighteenth-Century Ireland* (Dublin, 2010), pp. 244-263.

Pratt, Julius, ‘The Origin of “Manifest Destiny”’, *American Historical Review*, vol. 32, no. 4 (1927), pp. 795-798.

Rakove, Jack, *The Beginnings of National Politics: An Interpretive History of the Continental Congress* (New York, 1979).

Ramgotra, Manjeet, ‘Republic and Empire in Montesquieu’s *Spirit of the Laws*’, *Millennium: Journal of International Studies*, vol. 42, no. 3 (2014), pp. 790-816.

Reid, John Phillip, *The Concept of Liberty in the Age of the American Revolution* (Chicago, 1988).

Reid, John Phillip, *Constitutional History of the American Revolution*, vol. 2, (Madison, 1987).

Richardson, Lyon, *A History of Early American Magazines, 1741-1789* (New York, 1931).

Riddell, William Renwick, ‘Benjamin Franklin’s Mission to Canada and the Causes of its Failure’, *Pennsylvania Magazine of History and Biography*, vol. 48, no. 2 (1924), pp. 111-158.

Rigby, Barry, ‘The Origins of American Expansion in Hawaii and Samoa, 1865-1900’, *International History Review*, vol. 10, no. 2 (1988), pp. 221-237.

Robinson, Ronald, ‘The Conference in Berlin and the Future in Africa 1884-1885’ in Stig Förster, Wolfgang Mommsen, and Ronald Robinson (eds.), *Bismarck, Europe, and Africa: The Berlin Conference 1884-1885 and the Onset of Partition* (Oxford, 1988), pp. 1-32.

Rogers, Patricia, ‘Rebel’s Property: Smuggling and Imperial [Dis]Loyalty in the Anglo-American Atlantic’, *Journal of Early American History*, vol. 2, (2012), pp. 32-67.

Rothman, Adam, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge [MA], 2007).

Rowat, Donald, 'The Notarial Profession in the Province of Quebec', *Canadian Bar Review*, vol. 2, no. 6 (1924), pp. 391-402.

Salafia, Matthew, *Slavery's Borderland: Freedom and Bondage Along the Ohio River* (Philadelphia, 2013).

Shannon, Timothy, *Indians and Colonists at the Crossroads of Empire: The Albany Congress of 1754* (Ithaca, 2000).

Sheehan, Bernard, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (Chapel Hill, 1973).

Sheridan, Richard, 'The Crisis of Slave Subsistence in the British West Indies During and After the American Revolution', *William and Mary Quarterly*, vol. 33, no. 4 (1976), pp. 615-641.

Slaughter, Thomas, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York, 1986).

Smith, Justin Harvey, *Our Struggle for the Fourteenth Colony: Canada and the American Revolution*, vols. 1-2, (New York, 1907).

Smith, Ronald, 'Napoleon and Louisiana: Failure of the Proposed Expedition to Occupy and Defend Louisiana, 1801-1803', *Louisiana History*, vol. 12, no. 1 (1971), pp. 21-40.

Sparrow, Bartholomew, *The Insular Cases and the Emergence of American Empire* (Lawrence, 2006).

Stagg, John C.A., *The War of 1812: Conflict for a Continent* (Cambridge [UK], 2012).

Stanley, George, *Canada Invaded, 1775-1776* (Toronto, 1973).

Stanley, George, *The War of 1812: Land Operations* (Ottawa, 1983).

Statt, Daniel, *Foreigners and Englishmen: The Controversy over Immigration and Population, 1660-1760* (London, 1995).

Stephanson, Anders, *Manifest Destiny: American Expansion and the Empire of Right* (New York, 1995).

Stephenson, Orlando, 'The Supply of Gunpowder in 1776', *American Historical Review*, vol. 30, no. 2 (1925), pp. 271-281.

Szatmary, David, *Shays' Rebellion: The Making of an Agrarian Insurrection* (Amherst, 1980).

Taylor, Alan, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York, 2010).

Taylor, Alan, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York, 2006).

Taylor, Alan, 'The Late Loyalists: Northern Reflections of the Early American Republic', *Journal of the Early Republic*, vol. 27, no. 1 (2007), pp. 1-34.

Taylor, Edward Livingston, 'Refugees to and from Canada and the Refugee Tract', *Ohio History Journal*, vol. 12, no. 3 (1903), pp. 219-241.

Thompson, Peter, *Rum, Punch, and Revolution: Taverngoing and Public Life in Eighteenth-Century Philadelphia* (Philadelphia, 1999).

Tidridge, Nathan, *Prince Edward, Duke of Kent: Father of the Canadian Crown* (Toronto, 2013).

Tomlins, Christopher, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge [UK], 2010).

Truxes, Thomas, *Irish-American Trade, 1660-1783* (Cambridge [UK], 1988).

Tucker, Robert and David Hendrickson, *Empire of Liberty: The Statecraft of Thomas Jefferson* (New York, 1990).

Tucker, Robert and David Hendrickson, *The Fall of the First British Empire: Origins of the War of American Independence* (Baltimore, 1982).

Turner, Frederick Jackson, 'Western State-Making in the Revolutionary Era, II', *American Historical Review*, vol. 1, no. 2 (1896), pp. 251-269.

Van Alstyne, Richard, *The Rising American Empire* (Oxford, 1960).

van der Sijs, Nicoline, *Cookies, Coleslaw, and Stoops: The Influence of Dutch on the North American Languages* (Amsterdam, 2009).

Van Cleve, George William, *A Slaveholders' Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago, 2010).

Vernet, Julien, *Strangers on Their Native Soil: Opposition to United States' Governance in Louisiana's Orleans Territory, 1803-1809* (Jackson [MS], 2013).

Verrill, Addison, *Relations Between Bermuda and the American Colonies During the Revolutionary War* (New Haven, 1907).

Viau, Roland, 'Careful Coexistence: The Canadians and the British in Montreal Prior to 1800' in *Montreal: The History of a North American City*, vol. 1, ed. Dany Fougères and Roderick MacLeod, (Montréal, 2018), pp. 209-257.

Wagnleitner, Reinhold, *Coca-colonization and the Cold War: The Cultural Mission of the United States in Austria after the Second World War*, trans. Diana Wolf, (Chapel Hill, 1994).

Wainwright, James, 'William Claiborne and New Orleans's Battalion of Color, 1803-1815: Race and the Limits of Federal Power in the Early Republic', *Louisiana History*, vol. 57, no. 1 (2016), pp. 5-44.

Whitaker, Arthur, *The Mississippi Question, 1795-1803* (New York, 1934).

White, Richard, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge [UK], 1991).

Wilkinson, Henry, *Bermuda in the Old Empire: A History of the Island from the Dissolution of the Somers Island Company until the end of the American Revolutionary War, 1684-1784* (London, 1950).

Williams, William Appleman, *Empire as a Way of Life: An Essay on the Causes and Character of America's Present Predicament Along with a Few Thoughts about an Alternative* (Oxford, 1980).

Williams, William Appleman, *The Tragedy of American Diplomacy*, 2nd edn. (New York, 1962).

Wilson, Kathleen, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge [UK], 1995).

Wilson, Peter, *The Holy Roman Empire: A Thousand Years of Europe's History* (London, 2016).

Wood, Gordon, *The Americanization of Benjamin Franklin* (New York, 2005).

Wood, Gordon, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford, 2009).

York, Neil, 'Clandestine Aid and the American Revolutionary War Effort: A Re-Examination', *Military Affairs*, vol. 43, no. 1 (1979), pp. 26-30.

Zuckerman, Michael, *Peaceable Kingdoms: New England Towns in the Eighteenth Century* (New York, 1970).

UNPUBLISHED THESES

Caron, Jean-François, «Jean-Joseph Riverin, marchand de Québec, 1699-1755» (Université Laval: mémoire de maîtrise, 2000).