

# I

## *Reform and Resistance*

The origins of the American Revolution are traceable far back into Anglo-American history. To a certain extent, the English historical experience itself presaged the Revolution. Heirs to the English political traditions embodied in Magna Carta and the Bill of Rights and expressed in the Civil War and the Glorious Revolution, colonial Americans cherished the concepts of representative government, civil liberties, and the right of revolution. Moreover, Americans were not a colonial people. They were not conquered subjects but freemen (mostly British) who for a variety of reasons removed to North America and transplanted the basic heritage of their homeland. They were not subjugated (except for Africans) but guaranteed the traditional political rights of Englishmen and nurtured in their economic development by a remarkably benign imperial administration. Then, too, profound social, economic, intellectual, and institutional changes occurred in the North American provinces during the seventeenth and eighteenth centuries—changes that separated Americans from their British brethren as effectively as the Atlantic Ocean, and may even have made secession from the empire inevitable. In attitudes and aspirations as well as birth and residence, most colonials on the eve of the Revolution (even those who became Loyalists) were decidedly more “American” than “British.” These ill-defined, long-range preconditions for rebellion became a specific formula for revolution when, beginning in 1763, a number of volatile precipitants were added to the matrix of Anglo-American relations.

The catalyst was the French and Indian War, which raged in North America from 1754 to 1763. That war, the last of a series of armed conflicts between Great Britain and France for empire in America, simultaneously revealed serious deficiencies in the existing British imperial system and created a host of new administrative problems. To administer a newly acquired frontier region that extended west to the Mississippi River, the British government

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created two resident departments of Indian affairs to supervise Indian-white relations; issued the Proclamation of 1763 to regulate western expansion by establishing the crest of the Appalachian Mountains as the temporary boundary between white settlements and Indian territory; and dispatched 7,500 regular troops to the trans-Appalachian west to pacify both potentially hostile Indians and recently conquered Frenchmen as well as to provide for the general defense of the frontier. Long-term problems with the seaboard colonies likewise drew the attention of imperial administrators. The British government instituted a series of reforms in the revenue service and the commercial codes to curtail rampant American smuggling (extensive New Jersey trade with the enemy during the war prompted a brief naval blockade of the colony in 1758) and to facilitate the collection of customs duties; extended the 1751 prohibition of New England legal tender to the rest of America through the Currency Act of 1764 to counter colonial monetary malpractices, curb spiraling inflation caused by wartime emissions of currency, and stabilize the exchange rate between provincial paper money and the British pound sterling; and made the provisions of the annual Mutiny Act applicable to Americans in 1765 to provide for the governance and maintenance of the peacetime army.

It was, of course, one thing to formulate a program of imperial reform and quite another to finance it. At the end of the French and Indian War the British government faced a financial crisis of unprecedented proportions. The national debt had doubled during the conflict, standing in January 1764 at £130 million with an annual interest of nearly £5 million. The citizenry at home was already heavily overtaxed, the fiscal obligations of the colonies were modest, Parliament awarded some £1 million to the colonies as partial reimbursement for wartime expenditures, and the war had originated in and been fought primarily for America; as a result, the ministry of George Grenville not surprisingly looked westward for an additional source of revenue.

In order to raise sufficient revenue to defray one-third of the estimated £350,000 required to finance the occupation army and the Indian departments, Parliament passed the so-called Sugar Act. By reducing the duty on French West Indian molasses from six to three pence per gallon, the act was intended to discourage smuggling and thus encourage the payment of the excise through legitimate commerce. But even before the adoption of the measure in April 1764 it was obvious that an additional, more substantial and reliable source of income would be necessary. As early as the spring of 1763 Grenville let it be known that he favored the imposition of stamp duties, a taxing device that had been earlier used to good effect both in England and America (New York and Massachusetts in the 1750s). Grenville's plan was subsequently codified in the Stamp Act of March 1765, a prodigious 117-section statute that imposed stamp taxes graduated from a halfpenny to £10 on enumerated items ranging from newspapers to legal documents, playing cards to college diplomas, advertisements to almanacs. Although the colonials were not expected to welcome the various administrative reforms and the new revenue measures, surely no one in England or America could have predicted the magnitude of the opposition or the course it would eventually take.

Initially each colony registered its protest against the imperial revenue acts in a distinctive manner and for different reasons. While the mercantile colonies

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were quick to denounce the Sugar Act, opposition developed slowly elsewhere. New Jersey, having only modest trade with the West Indies and virtually no direct commerce with Europe, was but slightly affected by the measure. Hence, New Jersey, along with Maryland and New Hampshire, made no official comment concerning the measure. But Jerseymen were caught in a steadily worsening economic situation as a result of a postwar recession. Of the mainland colonies, New Jersey had the largest debt at the end of the French and Indian War. To compound matters, the steady retirement of wartime emissions of paper money produced a devaluation of currency, and a chronic adverse trade balance drew money out of the colony. Recent parliamentary legislation banned provincial legal tender, the traditional remedy to such problems. As a result, the relatively slight opposition to the Sugar Act in New Jersey was limited almost exclusively to economic objections (Doc. 1). However, as indicated by the self-styled Committee of Correspondents, by the fall of 1764 there was growing concern about both the direction of the new imperial program and the constitutionality of imperial taxation (Doc. 2). Those concerns crystallized into united American protest during the Stamp Act crisis.

The passage of the Stamp Act initially evoked little adverse reaction in New Jersey. There were some private complaints, but nothing to indicate the widespread, united public reaction to come. That is not surprising since the colony possessed relatively few merchants, lawyers, or printers—the three occupational groups that would bear the brunt of the tax. Indeed, the Jersey assembly, meeting from May to June 1765, failed to emulate the famous May 29-30 protest resolves of Patrick Henry and the Virginia House of Burgesses and declined the June 8 invitation from the Massachusetts House of Representatives to send delegates to an intercolonial congress in New York City in October (Doc. 3).

But opposition to the tax grew perceptibly in New Jersey as elsewhere during the summer of '65. New Jersey was spared the violence and disorders that racked neighboring colonies, but the resignation by William Coxe from his post as provincial stamp distributor on September 2 served, as "Caesariensis" knew, as a reliable barometer of political temper of the colony (Doc. 4). Public pressure to send deputies to the general congress also mounted (Doc. 5). Finally, at the last possible moment, Speaker of the House Robert Ogden summoned a rump session of the assembly to meet at Robert Sproul's tavern in Perth Amboy; the dozen or so members who attended the meeting selected Ogden, Hendrick Fisher, and Joseph Borden, Jr., to represent New Jersey at the Stamp Act Congress. From October 7 to 24, delegates from eight colonies and Delaware labored to fashion addresses to king, Lords, and Commons as well as a series of resolutions protesting the Stamp Act and asserting colonial rights.

By the fall of 1765 the covert, largely private, and individual opposition to the Stamp Act had become overt, public, and general. At a meeting of lawyers held in Perth Amboy on September 19, members of the New Jersey Bar unanimously resolved not to use stamps or stamped paper in conducting their legal transactions (Doc. 6), an effective means of passive resistance soon adopted by attorneys throughout America. Two days later there appeared the one and only issue of the *Constitutional Courant*, a pseudo newspaper consisting mainly of inflammatory essays by "Philopatris" and "Philoleutherus" that

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were reprinted in the press from Pennsylvania to Massachusetts. (Apparently published by James Parker at his printing office in Woodbridge, the paper was nonetheless not produced by Jerseymen.) Although the radical tone of the strident publication did not reflect popular sentiment in New Jersey, people began to band together to demonstrate solidarity in opposing the act. In communities throughout the colony, citizens gathered in mass meetings to avow their determination to prevent the execution of the hated statute (Doc. 8). Lest such declarations be dismissed as mere rhetoric, an effigy representing Robert Ogden, who refused to sign the resolves of the Stamp Act Congress, and symbolizing anyone who failed to oppose the Stamp Act, was destroyed in New Brunswick (Doc. 9). Even though the conservative defenders of the royal regime deplored the lawlessness and feared the repercussions of civil turmoil, they, too, harbored resentment against recent imperial programs (Doc. 7). And at the first opportunity, the Jersey assembly officially sanctioned resistance to the tax by adopting a series of protest resolutions on November 30 (Doc. 11).

November 1, the day the statute was to become operative, came and went. So intense and so pervasive was the determination to prevent its implementation that some people thought any attempt to execute the act would cause bloodshed (Doc. 10). The Stamp Act was a dead letter in America.

While the British government labored to resolve the imperial crisis during the winter of 1765-1766, Americans maintained their defiance. The Jersey scene was typical. Lawyers adhered to their September agreement and thus legal transactions and procedures requiring the use of stamps ground to a halt; merchants launched a boycott of British manufactured goods to exert pressure on influential English merchants; and community professions of solidarity continued. In February, as the spirit of resistance began to wane with the passage of time, Jerseymen, at the behest of the New York City Liberty Boys, began to organize themselves as Sons of Liberty. Their purpose was twofold: to coordinate protest activities by establishing regular communications with chapters in other parts of the province, and to assume direction of local protest activities (Doc. 13). Sentiment was not unanimous in support of the Sons of Liberty (Doc. 14). Instead of raising the level of resistance, a growing number of residents preferred a moderate position while awaiting the determination of Parliament (Doc. 12).

In seeking a solution to the uprising in America, the ministry of the Marquis of Rockingham faced a delicate dilemma. Since the Stamp Act could obviously not be enforced in the colonies, it would have to be rescinded. But how could Britain accomplish the repeal of the measure without appearing either to have capitulated to the pressure of lawlessness or compromised parliamentary authority over the colonies? When repeal of the obnoxious statute finally came in March 1766, it was based upon economic expediency (the tax was not commensurate with the cost of enforcement and the colonial boycott cramped British commerce) and coupled with the Declaratory Act, an unequivocal declaration of parliamentary supremacy over America "in all cases whatsoever." Despite the official rhetoric of repeal, the fact remained that determined colonial resistance had forced Great Britain to rescind one of the cornerstones of its reform edifice.

The long-awaited and much-anticipated news that Parliament had repealed

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the Stamp Act was received with delight and relief in America. Communities held celebrations throughout New Jersey (Doc. 15). But whatever the public posture of Jerseymen, privately their joy must have been tempered by the magnitude of the Stamp Act crisis. What had begun as opposition to a specific tax bill had turned into concerted resistance to British authority — resistance that had taken the form of peaceful protest and economic coercion, violence and extralegal activities. Repeal of the Stamp Act, while it resolved the immediate imperial imbroglio, did not answer the larger issue of the constitutional relationship between Parliament and America that had risen to the fore during the preceding year.

### 1 Daniel Coxe to Joseph Reed

[Joseph Reed Papers, 1:16, New-York Historical Society.]

An Anglican by confession and a lawyer by profession, Daniel Coxe V (1741-1826) was a descendant of one of the oldest and most prominent families of colonial New Jersey. He was admitted to the bar in 1761; by 1772 he had built one of the most lucrative law practices in the province. A member of the Board of Proprietors of West Jersey, the private land company that owned extensive tracts of land in the western division of the colony, he also owned in excess of 1000 acres of land in New York and New Jersey. He served on the provincial council from 1771 to the Revolution, when his Loyalism forced him to flee, first to New York City and then to England, where he spent the rest of his life. Presbyterian Joseph Reed (1741-1785), like Coxe, was a resident of Trenton and an attorney. Upon graduating from the College of New Jersey (later Princeton University) in 1757, he studied law with Richard Stockton in Princeton and was admitted to the bar in 1763. From 1763 to 1765 he pursued legal studies at the Middle Temple in London. After his marriage in 1770 to Esther De Berdt, daughter of London mercantile magnate Dennys De Berdt, Reed removed to Philadelphia, where he later emerged as a leader of the Revolution in Pennsylvania. Because of their involvement in commercial enterprises, Coxe and Reed were especially aware of and concerned with the economic implications of imperial measures.

Trenton April 12th 1764

Dear Sir,

... What in the name of Sense has possess'd the English Nation or rather its parliament, for I find a paragraph in the last papers that a Scheme is on foot for Obliging Us to furnish 500,000 Proc[lamation]<sup>1</sup> among the Colonies. My God! What