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AN ABSTRACT OF THE THESIS OF Myron K. Jordan for the Master of Arts in History presented February 28, 1975.

Title: Reconciliation and Reunion.

APPROVED BY MEMBERS OF THE THESIS COMMITTEE:

Bernard Burke, Chairman

Gordon Dodds

Whitney Bates

Throughout the period of the American Revolution, Great Britain pursued a policy of reconciliation and reunion toward its North American colonies. While this was but one of the several policy alternatives open to British leadership, it was always an element of British strategy toward the colonies from 1775 to 1783.

This thesis follows the evolution of reconciliation and reunion in the final days of crisis in 1774-1775. It seeks to define its development during the war itself, and especially during the abortive American Peace Commission of

1778. By tracing this policy from its emergence through to the peacemaking in 1782-1783, it shows its growth and analyzes its strengths and weaknesses as a coherent whole rather than considering it in relation to particular events. This provides an understanding of why reconciliation and reunion had become the dominant and controlling policy toward America at the time of the Anglo-American negotiations leading to the Treaty of Paris.

British policy in the critical period of the peacemaking at Paris from April, 1782 through February, 1783 was predicated upon reconciliation and reunion with America. However, insufficient weight has been given to this fact in analyzing these events. Benjamin Franklin's suggestion to Richard Oswald, Britain's representative, in April, 1782 that Britain cede Canada to the United States has been considered either an inexplicable aberration in Franklin's conduct, or simply labeled as baffling. With an understanding of British policy this event becomes a clear American response to Britain, pointing out to Britain's leading advocate of reconciliation and reunion, Lord Shelburne, the price which such a policy would require for American acceptance of a plan of reunion.

Most important of all is the role of reconciliation and reunion in fixing the terms of the Treaty of Paris. The American historical record has emphasized the parts played

by Franklin, John Jay and John Adams. It has given far less consideration and weight to that of Lord Shelburne, who as Colonial Secretary and as First Lord of the Treasury, directed negotiations from the British side. Shelburne's advocacy of reconciliation and reunion set the outlines of peace and contributed significantly to the terms. The reversal of British policy following Shelburne's fall in February, 1783, and the failure of the new North-Fox Ministry to reach agreement on a commercial treaty with America highlights the importance of Shelburne's role. Any evaluation of American diplomacy at Paris to be comprehensive must take into account the policies of Great Britain and their impact on negotiations. The accounting as developed in this thesis, based upon primary materials available in the Portland State University Library and the Bodleian Library of Oxford University, demonstrates what has been hailed as American diplomatic success is much more attributable to British policy than to American efforts.

RECONCILIATION AND REUNION

by

MYRON K. JORDAN

A thesis submitted in partial fulfillment of the
requirements for the degree of

MASTER OF ARTS
in
HISTORY

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1975

TO THE OFFICE OF GRADUATE STUDIES AND RESEARCH:

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CHAPTER I

THE NEGLECTED POLICY OF THE AMERICAN REVOLUTION

American historians exploring the diplomacy of war and peace during the American Revolution have mined a variety of themes from this Mother Lode of diplomatic history. But their main conceptions of the events from 1773 to 1783 have been shaped into an essentially simple confrontation between good and evil. That is, the American forces of independence as symbolized by the diplomacy of Benjamin Franklin, John Jay and John Adams are pitted against the efforts of King George III's diplomats striving to reclaim for the British Empire the lost North American colonies. Thus, the climactic diplomatic maneuvering at Paris in 1782 becomes in the eyes of these historians an epic struggle for America's survival as a nation.

"Their action," says Samuel Bemis of the American negotiators at Paris,

was the first decisive step to loose a new nation from Europe's bonds and Europe's distresses, so that their people after them might have freedom to expand, and to develop a new continent, to rise to surpassing power, and to do this during that century and a half which was to follow before the industrial and scientific revolutions of our times The

greatest victory in the annals of American diplomacy was won at the outset by Franklin, Jay and Adams.¹

More recently Richard Morris has reaffirmed these broad outlines of American diplomacy at Paris.

"What was so remarkable," he writes,

about the achievements of the American commissioners was that where they compromised it was on the in-essentials and where they conceded it was to yield the trivial. From beginning to end they remained unswerving on the score of obtaining both absolute independence and a continental domain for thirteen littoral states. On the main objectives of national survival they proved uncompromising. Because the American commissioners resolutely contended for the right of a sovereign people to choose their own form of government and because they secured grudging recognition of that right from the Old Order, a free people is eternally in their debt.²

These conceptions reflect some of the generally accepted views of American diplomatic history in the revolutionary era. Yet they are views with serious shortcomings. They are constructed much more from hindsight than from the contemporary realities of 1782. They rest upon a broad foundation of the American perception of national mission. They also emphasize an unqualified acceptance of American independence in 1782 as an essential to present national existence. They disregard the efforts made by both Americans and English at reconciliation and reunion before

¹ Samuel F. Bemis, The Diplomacy of the American Revolution (Bloomington, Indiana, 1957, 1935) p. 256.

² Richard B. Morris, The Peacemakers (New York, 1965) p. 459.

and during the war period. And finally there is a significant misreading of British policy and objectives at Paris in 1782. All of these factors combined pose an unanswered and perhaps unanswerable question: What impact did Britain's policy of reconciliation and reunion have in the shaping of the ultimate terms of the Treaty of Paris?

Both Bemis and Morris stress some common thoughts in their paean of praise to the American commissioners at Paris. First, of course, is their achievement of independence. Second, the wresting of sufficient territory from Great Britain so that an expansionist sentiment in America would not find itself thwarted for many years. Third, the clean break of all political ties between the new nation and Europe, and what that presaged in terms of national character and the sense of national mission.

The United States has indeed achieved and maintained its national independence. The achievement of that independence in confrontation with the Old Order in Europe and its establishment of a distinctive form of government from what currently existed helped strengthen the sense of mission which is a pervasive theme throughout almost all American historical writing. It finds its earliest expression in the religious dedication of the New England colonies, and the firmly expressed belief of their leaders in God's guidance of their destiny.

The nationhood of America is a necessity to furtherance of the idea of mission. It permitted Americans to view themselves and their government as unique largely because of the circumstances of their separation from the Old World and their break with the links to the European past. These contribute to the idea that this nation is God's experiment in religious, political and economic ideals in order to provide leadership to the rest of the world.

No one has more effectively articulated America's own belief in its mission to the world than its sixteenth president, Abraham Lincoln, in his Gettysburg address. ". . . That this nation, under God, shall have a new birth of freedom--and that government of the people, by the people, for the people, shall not perish from the earth,"³ are simple but powerful words which have conveyed to succeeding generations an urgent sense of America's belief in its own special destiny.

It is a theme that has been repeated many times before and since Lincoln's speech. The same American sense of mission is easy to find in the justifications of America's involvement in Cuba and in the Philippines in 1898. In asking Congress to declare war on Germany, April 2, 1917, President Woodrow Wilson sounded the same chords of mission.

³T. Harry Williams, A. Lincoln, Selected Speeches, Messages and Letters (New York, 1957) p. 247.

He said:

It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than the peace, and we shall fight for the things we have always carried nearest our hearts--for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world at last free.⁴

The same American sense of mission can be traced through Franklin Roosevelt's Atlantic Charter and Harry Truman's March 12, 1947 foreign policy message to Congress or as it has become better known, the Truman Doctrine. Mission is an ideal woven into the fabric of American history from colonial beginnings. It was re-dedicated through independence in the eighteenth century and surges undiminished down to the Viet-Nam conflict in the twentieth century. And because it is so fundamental to the thinking of Americans it should be in no way surprising that those historians who have written of the diplomacy of 1782 subconsciously shaped their views to accommodate the idea of American mission.

What were the objectives of the English ministry in regard to its North American colonies in the critical days of 1773 to 1775 immediately prior to the outbreak of hostilities?

⁴Harold C. Syrett, editor, American Historical Documents (New York, 1960) p. 342.

How did these British aims change with the shifting fortunes of war in North America, the West Indies and Europe? What adjustments were made in British policy as new European alliances threatened Great Britain? Did other developments within the Empire impinge upon the American policy of Great Britain at critical moments?

What were the objectives pursued by the British ministry and its negotiators when faced with a major defeat at Yorktown and a Parliamentary resolution demanding a halt to offensive operations in North America?

Reconciliation and reunion were policies followed by the English Ministry prior to Lexington in concert with the Ministerial plan of coercion. Reconciliation and reunion were objectives pursued along with military action throughout the American hostilities. And they were also prime objectives of Lord Shelburne's representatives at the peace negotiations of 1782 in Paris.

That Lord Shelburne, leader of the King's cabinet during the peace negotiations, made the final desperate effort to bridge the gap between Great Britain and its North American colonies and achieve reconciliation and reunion is well documented by British historians. Vincent Harlow's The Founding of the Second British Empire contains a detailed exploration of Lord Shelburne's belief in the possibility of a new relationship between England and the

thirteen colonies. Shelburne's biographer, Edmond Fitzmaurice, perceived it as well.

He (Shelburne) saw the settlement not as surrender to America under French pressure, nor even a reversal of North's blunders, but as the opening of a new and more glorious period of British history. This view of it he was unable, however, to make clear either to his contemporaries or even to historians.

Shelburne believed that America might yet be kept within the British area of influence even though he was obliged to cede her independence.

To make it possible it was essential that Americans should concentrate their attention on the interior of their continent and that they should feel good will towards Great Britain.⁵

A more recent British historian is equally explicit.

Shelburne

. . . saw that America could not be kept by force. But he hoped that the Americans might be content with independence in the sense of running their domestic affairs but would voluntarily unite their foreign policy and co-ordinate their trade policy with that of the King. All that was valuable in the old connexion would then be preserved.⁶

Why should such a significant aspect of British foreign policy in the American Revolution have received so little attention from American historians?

Part of the answer has already been discussed--the American idea of mission that is so accepted and so fundamental it can be considered a part of the fiber of

⁵ Edmond Fitzmaurice, Life of William Petty, Earl of Shelburne (2 vols., London, 1912) II, 253.

⁶ J. Steven Watson, The Reign of George III (Oxford, 1960) p. 249.

American life. It is also an idea that must rest upon a foundation of independence. The two thoughts support each other, and because they are inseparable, both ideas have become a premise to American historical thinking. Most Americans experience great difficulty in deliberately examining these ideas from an objective standpoint.

It is obvious that the idea of reconciliation and reunion is an outright denial of both American nationhood and its corollary, American mission. Even the consideration of reconciliation and reunion in a revolutionary setting is fraught with overtones of disloyalty. The historian brave enough to pursue these themes in a very young republic is treading upon the treacherously thin ice of treason. (It is noteworthy few Americans saw fit to write contemporary biographies of such men as Benedict Arnold or Aaron Burr.) Certainly it is a subject with little appeal to a popular audience or an academic one.

So reconciliation and reunion have remained topics for a relative few British historians to examine. And even from the British viewpoint the middle way policies of the Ministry in wartime and during the peace negotiations have drawn minor interest. The reasons are probably several. The architects of a peace ending a disastrous war seldom draw accolades from their contemporaries or even later historians. "Are we to be hanged or applauded for this

rescuing you from the American war?" Henry Strachey, a member of the British negotiating team at Paris wrote to a friend after the preliminary peace terms were disclosed.⁷

Lord Shelburne's ministry fell from power over the questions raised by the Treaty of Paris, and Shelburne himself never again held office.

The questions of loyalty and patriotism were as critical in England as they were in America. To those in England who saw American grievances as the conspiratorial efforts at independence of a wrong-headed lot of colonial tax dodgers, the idea of a genuine reconciliation and reunion remained as treasonable as the terms of the Treaty of Paris. Reconciliation with criminals is unacceptable whether their crime be tax evasion or a conspiracy to split off the North American colonies from the remainder of the British Empire.

Writing to Lord Shelburne about the imminent recognition of American independence on November 10, 1782, King George III probably expressed the feelings of many of his subjects toward America when he said:

I cannot conclude without mentioning how sensibly I feel the dismemberment of America from this Empire, and that I should be miserable indeed if I did not feel that no blame on that Account can be laid at my door, and did I not also know that knavery seems to be so much the striking feature

⁷ Fitzmaurice, The Life of William Petty, Earl of Shelburne, II, 207.

of its Inhabitants that it may not in the end be an evil that they become Alien to this Kingdom.⁸

On the other hand, those few Englishmen who supported the American cause and hence independence found themselves trapped in the same American national ideology as most American historians. Reconciliation and reunion was as treacherous a role for a British supporter of America as it was for Americans.

Certainly, the middle way is the most difficult path of all in an era of conflict. And the middle way is precisely what reconciliation and reunion between the North American colonies and Great Britain sought to accomplish. It is easy to understand and define the policies of those seeking American independence. The goal is clear and sharp. It is equally easy to delineate the ideas of those seeking to restore loyalty to the Crown and Parliament through colonial submission. Extremes are usually easier to locate than the slippery middle ground between dedicated advocates.

This policy of reconciliation and reunion was, however, a major thrust of British diplomacy throughout the American Revolution and an overriding concern of Great Britain at the negotiations leading to the Treaty of Paris. Our task will be: To gather the threads of this idea as it

⁸Sir John Fortescue, editor, Correspondence of King George III (6 vols., London, 1928) VI, 154.

was shared by both Americans and Britons in the years just prior to 1776 and America's claim to independence. To follow the efforts of Lord North and Benjamin Franklin to find the common grounds for accommodation in their secret negotiations of 1774 and 1775. To examine the proposals for conciliation Lord Howe brought to America in 1776, and look again at the efforts of the Carlisle Commission in 1776. And most important of all, to scrutinize with care the last desperate hope for reconciliation and reunion in Lord Shelburne's plan for peace with America as one of the elements in shaping the ultimate terms of the Treaty of Paris, 1782.

The questions to be answered are difficult ones: How much did Britain's policy of reconciliation and reunion contribute to what Bemis and Morris as well as other American historians have seen as the triumph of tough, shrewd U.S. diplomacy? Why did British policy fall short of its objectives?

In brief, has our American sense of mission blinded us to the British perspective on the Treaty of Paris, and misled historians in their evaluation of what has been hailed as the first and greatest success in American diplomacy?

CHAPTER II

ACCOMMODATION--ANOTHER WORD FOR RECONCILIATION AND REUNION

The threads of reconciliation and reunion between Great Britain and America can be easily discerned at many points in the years between the Peace of Paris (1763) and the Treaty of Paris (1783). For our purposes, the best starting point is 1774. It was a year that produced unmistakable evidence of the increasing strains on the imperial ties linking Britain and America. But it also gave indications of the strong counterforces to separation. There were developments that pointed to both British and American desires for accommodation and continuation of the American colonies within the Empire.

It was a critical year both from the standpoint of Great Britain and the colonists. Reacting to the mob violence of the Boston Tea Party in December, 1773, Lord North, First Lord of the Treasury and thus head of the Cabinet, on March 7, 1774 told Commons it was His Majesty's intention, ". . . to put an immediate stop to the present disorders . . ."¹ The King's message also asked Parliament to

¹The Parliamentary History of England (29 vols. London, 1814 New York, 1966) XVII, 1159.

. . . take into their most serious consideration, what further regulations and permanent provisions may be necessary to be established, for better securing the execution of the laws and the just dependance [sic] of the colonies upon the crown and parliament of Great Britain.²

In retrospect, North was painfully aware of the errors of his predecessors, Rockingham, Chatham and Grafton. Backing and filling in the face of colonial intransigence had been a total failure. Weakness on the part of England when confronted with threats of non-importation or intimidation of the King's officials by American mobs had been followed by the repeal of legislation intended to equalize the burden of taxation between England and the colonies. The end result of these compromises had led to nothing more than new violence and further intimidation. North, the King and the Ministry were convinced a new policy of firmness toward the American colonies was a necessity.

Between March and June, 1774, the North Ministry introduced to Parliament and won approval by substantial majorities of a series of measures designed to establish beyond doubt its imperial authority in America. The first to pass was the Boston Port Bill. It closed the Port of Boston to commerce until the East India Company had been paid for its loss in tea. The Boston Customs House was re-located in Salem as was the seat of Provincial Government by the same Act. The American Board of Customs was also trans-

²Ibid.

ferred to Salem. North pointed out there was ample precedent for the punishment of an entire community for the acts of individuals. ". . . Boston had been the ringleader in all riots," North declared,

and had at all times shown a desire of seeing the laws of Great Britain attempted in vain, in the colony of Massachusetts Bay. That the act of the mob in destroying the tea, and other proceedings belonged to the act of a public meeting, and that . . . other colonies were peaceable and well inclined towards the trade of this country³

While the Boston Port Bill was directed at Boston and its street mobs, the Bill for regulating the Government of Massachusetts Bay had broader implications. North outlined its purpose. "I propose, in this Bill," he told Commons on March 28, 1774,

to take the executive power from the hands of the democratic part of government; I would propose, that the governor should act as a justice of peace, and that he should have the power to appoint the officers throughout the whole civil authority, such as sheriffs, provost marshal, &c. . . . I would have them only removable by His Majesty Every gentleman will naturally see the impropriety of such irregular assemblies, or town meetings, which are now held in Boston; I would have them brought under some regulation, and would not suffer them to be held without consent of the governor, unless upon the annual election of certain officers Their juries are improperly chosen.⁴

In brief, the Bill for regulating the government of Massachusetts Bay as proposed by North and approved by

³Ibid., p. 1165.

⁴Ibid., p. 1193.

Parliament was a drastic revision of the colony's charter. The elected council to the royal governor was eliminated in favor of a council nominated by the King. The elected assembly was stripped of its appointive powers, and the governor given authority to appoint and dismiss all subordinate officials, including local sheriffs and judges. Town meetings were limited to one per year, and their role constrained to local matters. Only the governor could authorize additional town meetings.⁵

The significance of the Massachusetts Bay Act was plain in both England and America. There was a new toughness of mind, and firmness of policy in the Ministry. The words ". . . just dependance . . ."⁶ were not mere Parliamentary rhetoric. They were an articulation of policy which was about to be supported by concerted action.

The third item on North's legislative agenda for colonial reform in the spring of 1774 was the Bill for the Impartial Administration of Justice in Massachusetts Bay. "Unless," North explained, "such a Bill as this now proposed should pass into law, the executive power will be unwilling to act, thinking they will not have a fair trial without it."⁷ In final form, this measure permitted persons accused

⁵Ibid.

⁶Ibid., p. 1159

⁷Ibid., p. 1200

of capital crimes in the performance of their official duties to have their trials transferred to another colony or to Great Britain if they chose.

The capstone to North's program was a Quartering Act. It gave colonial governors greater authority in lodging troops in uninhabited houses, barns and farm structures, and if need be in private homes. North was clearly prepared to back up the instruments of his new hard-line policy in America, the King's officials, with force and military power. "The Americans have tarred and feathered your subjects," he told Parliament in the course of the debate on the Administration of Justice Act,

plundered your merchants, burnt your ships, denied all obedience to your laws and authority; yet so clement, and so long forbearing has our conduct been, that it is incumbent on us now to take a different course. Whatever may be the consequence, we must risk something; if we do not, all is over.⁸

All four measures achieved substantial majorities in both houses of Parliament despite the opposition of the Chatham faction, Edmund Burke and a handful of dissenters. It seems evident from the ease with which North's policy gained Parliamentary support that his position indeed reflected the views of a majority of the politically active British public.

Americans quickly lumped the so-called coercive acts-- that is, North's four-point program of re-establishing the

⁸Ibid., p. 1280.

just dependance of the colonies on Great Britain--with the Quebec Act. The five legislative matters relating to North America considered by Parliament in the spring of 1774 were thus deemed to constitute a single category of deliberately inflammatory legislation aimed at America. The connection, however, appears to be more a matter of coincidence in timing than a single overall plan.

The need to establish an appropriate form of civil government for Canada was long-standing. The Quebec Act, approved in June, 1774 immediately following North's first four proposals regarding colonial matters, was an effort to recognize the French culture and Roman Catholic religion of the inhabitants of the territory won from France in the Peace of Paris (1763). By extending the Quebec boundary southward along the Pennsylvania border and the Ohio River it was hoped to stabilize the Indian frontier and reduce the recurring friction between land-hungry colonists and Indians. From the British viewpoint, it was a statesmanlike recognition of the special needs of Canadians for a responsive government in that territory. It appeared to offer equally hopeful means toward controlling defense requirements by eliminating the source of Indian reaction--colonial incursions westward. Only a petition from the Penns pointing out the possible conflict between their colonial grant and the new Quebec boundaries reflected any American concern

in the Parliamentary debate on the Act. Lord North dismissed the question as a misinterpretation.⁹

The combination of the four coercive acts plus the Quebec Act raised the tensions between Great Britain and the colonies to a new level. The four acts aimed at restoring the King's peace in Massachusetts Bay were a long overdue step toward firmness in confronting the issues of radicalism and rioting. From the London perspective it was expected that singling out Massachusetts would divide the colonists among themselves and encourage rival ports in the Middle and Southern colonies to prosper at the expense of Boston.¹⁰ The reform of the Massachusetts Bay charter would serve as a warning to radicals in other colonies to temper their speech and actions in their assemblies as well as to make them more respectful in their dealings with royal governors. Providing an option for moving trials of officials to other colonies or England would rally the support of those loyal to the King and stiffen the backbones of those charged with enforcing the laws of the Empire. And finally, the Quartering Act would make clear the responsibilities of the colonists in making a minimal contribution to the forces bringing law and order amongst them and in defending them against Indian attack.

⁹Ibid., p. 1407.

¹⁰Ibid., p. 1165.

Logical and reasonable though North's policies may have appeared to Parliament and to Britons, it ignited an explosion of reaction on the American side of the Atlantic. Calls arose for a cessation of trade with Britain. Committees of safety organized and gathered supplies. For the first time since 1765 and the Stamp Act crisis colonial assemblies voted to send delegates to a Continental Congress. Militia companies formed and drilled. There remained in the face of these preparations, however, solid evidence of an American desire for accommodation and continued union with Great Britain.

When the First Continental Congress met in September, 1774 in Philadelphia, it gave serious consideration to a Plan of Union proposed by Joseph Galloway, former speaker of the Pennsylvania Assembly. Galloway's plan called for the establishment of a Grand Council of representatives chosen by the legislatures of all British colonies in North America. A President-General, appointed by the King, would act as chief executive. The Council's power would extend to all matters of a commercial, civil, criminal or police character, but reserve to the Parliament in Great Britain the prerogatives of defense and foreign affairs. The Grand Council would have had veto power over measures affecting the North American colonies passed by Parliament. Likewise,

Parliament would have retained veto power over acts of the Grand Council.¹¹

Galloway later praised those who supported his proposal in Congress for seeking ". . . to form a more solid and constitutional union between the two countries, and to avoid every measure which tended to sedition" ¹² But Congress was split into two factions, Galloway observed.

The one were men of legal principles and possessed the greatest fortunes in America; the others were congregational and presbyterian republicans, or men of bankrupt fortunes, overwhelmed in debt to the British merchants.¹³

Indeed, Galloway noted that one of the delegates to Congress, Samuel Adams of Massachusetts Bay, openly admitted he had been toiling for twenty years to destroy Anglo-American ties and to bring about American independence.¹⁴

Despite its failure, the Galloway plan was evidence that many Americans--perhaps most Americans--still thought of themselves as British subjects and their rights secured by the English constitution. The same Congress which set aside Galloway's plan voted a declaration of rights and

¹¹Richard B. Morris, editor, The American Revolution, 1763-1783 (New York, 1970) p. 128.

¹²Joseph Galloway, Historical and Political Reflections on the Rise and Progress of the American Rebellion (London, 1780) p. 66.

¹³Ibid.

¹⁴Ibid., p. 67.

resolves. Among the rights claimed were,

That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties and immunities of free and natural-born subjects within the realm of England. That by such emigration they by no means forfeited, surrendered or lost any of these rights, but that they were, and their descendents now are, entitled to the exercise and enjoyment of all such of them¹⁵

Congress addressed this appeal to Parliament, declaring it was acting ". . . as Englishmen their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties¹⁶

The Declaration concluded:

To these grievous acts and measures Americans cannot submit, but in hopes that their fellow subjects in Great Britain will, on revision of them, restore us to that state in which both countries found happiness and prosperity¹⁷

The Congressional petition outlining American grievances was presented to the American Secretary, Lord Dartmouth, by Benjamin Franklin, agent for Pennsylvania in London. It was accepted by Parliament with a bundle of other colonial correspondence without discussion or answer.¹⁸

¹⁵Harold C. Syrett, editor, American Historical Documents (New York, 1960) p. 75.

¹⁶Ibid.

¹⁷Ibid., p. 77.

¹⁸B. D. Bargar, Lord Dartmouth and American Revolution (University of South Carolina Press, 1965) p. 154.

In England men were also trying to devise a new relationship between Great Britain and the colonies that would solve the growing frictions. As early as 1770, an anonymous London pamphleteer had suggested colonial representation in Parliament under the title, Considerations on the Expediency of Admitting Representatives from the American Colonies into the British House of Commons. After commenting on separation, "Such a disunion would be a dreadful event both to Great Britain and America . . ." ¹⁹ the unknown author insisted that America's interests were already represented in Commons by the British merchants trading to America. Representation, however, he predicted, would quiet American grievances.

About fourscore persons might be admitted to sit in Parliament as members of the Commons House of Parliament for all the King's dominions in America, the West Indies as well as North America, and their title might be that of Commissioners of the Colonies of America. ²⁰

The difficulties of transatlantic travel were so great the pamphlet proposed the American Commissioners would continue to sit without the necessity of standing for re-election until they were challenged.

Another 1775 pamphlet issued in London by T. Beckett, printer, declared,

¹⁹ Anonymous, Considerations on the Expediency of Admitting Representatives from the American Colonies into the British House of Commons (London, 1770) p. 3.

²⁰ Ibid., p. 10.

If receiving representatives from America be practicable, why not admit them? If it is proper to incorporate the colonies and make them a part of the parent-state instead of distant provinces, why not deliberate about it?²¹

But Major John Cartwright, whose American Independence, the Interest and Glory of Great Britain, also appeared in a London pamphlet in 1775, argued against American representation in Parliament for a number of reasons. The small number of American representatives in Commons would make their role ineffectual, he pointed out. There were also practical considerations. Should Americans be permitted the privilege of debate and a vote on all matters before Commons or only on questions concerning the colonies?²² The thought of American members of Parliament perhaps casting the critical votes on the taxes of Bristol merchants or Kentish farmers was beyond even Cartwright's imagination. Given the hazards and slowness of North Atlantic travel, how would Americans at Westminster visit their constituents and sit in Parliament?²³ After raising these questions, Cartwright concluded, "But we may rest assured, that while Americans are awake, they will never consent to it."²⁴

²¹Anonymous, A Plain State of the Arguments Between Great Britain and Her Colonies (London, 1775) p. 18.

²²John Cartwright, American Independence, the Interest and Glory of Great Britain (London, 1775) p. 9.

²³Ibid.

²⁴Ibid.

Cartwright's alternative to representation in Parliament--a surprising one for a former British naval officer who had served on the Newfoundland station--was American independence of special kind. Cartwright pointed out that ". . . the American governments . . . are independent nations, having within themselves the rights and the actual powers of legislation" ²⁵ Cartwright foresaw the day when the benefits of the British constitution would gradually extend over North America ". . . to as many independent states as can find habitations on the vast American continent" ²⁶ Cartwright's use of the word "independence" takes on a somewhat novel connotation as he pursues his theme.

In analyzing the impasse of 1775, Cartwright leaned on another frequent commentator on American politics and trade, Josiah Tucker, Dean of Gloucester Cathedral. Tucker, according to Cartwright, identified five possible solutions to the American problem. First, Britain could permit matters to drift as they were in early 1775 with constant bickering and threats between the two parties. Second, Great Britain could meet American grievances by offering representation in Parliament. Third, Britain could throw the weight of its army and navy against the colonists and rule

²⁵Ibid., p. 22.

²⁶Ibid., p. 27.

America by force--a project ex-naval officer Cartwright thought might require considerable time and expense. Fourth, it could consider moving the seat of the British Empire to North America and rule England from thence as a colony. Fifth, it could grant independence to the colonies.²⁷

Tucker's fifth option was the only one worth seriously considering, Cartwright said, and declared he looked forward to the day ". . . when Great Britain shall once have done justice to the Americans, by an open declaration of their independence, and by offering them her friendship."²⁸

For Cartwright saw American independence leading to a ". . . Grand British League and Confederacy to be entered into by All the States of British America."²⁹ It would be accomplished by an Act of Parliament separating the colonies from the United Kingdom, but at the same time including

. . . in another clause . . . that "the Parliament of Great Britain doth further declare itself to be the guardian and protector of said states and colonies . . . against every foreign power whatsoever . . ."³⁰

²⁷Ibid., p. 47.

²⁸Ibid., p. 57.

²⁹Ibid., p. 1.

³⁰Ibid., p. 63.

The same act, according to Cartwright, should direct Parliament to enter into a treaty with America

. . . in order that a firm, brotherly, and perpetual league may be concluded between Great Britain and them [the American colonies] for their mutual commercial benefit, and their joint security against all other kingdoms and states³¹

King George III would continue in his role as King of America, Cartwright was hopeful, and expressed his conviction that a grateful America would rely on Great Britain for military and naval protection under what might be described today as dominion status.

'Tis absurd to imagine they will act in contradiction to the principles of self-interest and self-preservation, merely because they shall be free from controul; nor is it more possible to conceive, how they should object to a treaty with Great Britain merely because she had just done them an act of magnanimity and generosity unparalleled in history³²

Cartwright brought his entire thesis into perspective with this blunt, closing admonition: "In short, the multiplying millions of America must either be our deadly foes, or our steadfast friends--Great Britain take the choice!"³³

Men in government as well as pamphleteers sought to find the elusive common ground of successful accommodation. In August, 1774, Franklin, as a colonial agent in London,

³¹Ibid.

³²Ibid., p. 67.

³³Ibid., p. 68.

met with the aging Lord Chatham, William Pitt the Elder, at Chatham's urging.³⁴ It opened the way for Franklin to discuss with Chatham American grievances and the means of satisfying them. As the American situation worsened, Chatham introduced a conciliation motion in the House of Lords on January 20, 1775. It was swiftly defeated.³⁵ Chatham returned to the struggle on February 1st, introducing a bill aimed at resolving the differences between Britain and the colonies. It proposed to permit the colonial assemblies all rights of taxation, but acknowledged the supremacy of Parliament in matters of Empire trade regulation and defense. Acts passed by Parliament since 1763 to which the colonies objected would have been repealed. Again Chatham's proposal was quickly defeated.³⁶ Not even a person of Pitt's stature was capable of deflecting the North Ministry from its course in America.

Another member of Parliament who spoke out for conciliation was Edmund Burke, whose classic address on conciliation with America introduced his resolutions on reconciliation March 22, 1775. Like Chatham, Burke thought in terms of a return to pre-1763 conditions, the beginning in

³⁴Albert Smyth, editor, The Writings of Benjamin Franklin (New York, 1906) VI, 318.

³⁵Parliamentary History XVIII, 149.

³⁶Ibid., XVIII, 167.

the minds of many of the deterioration in Anglo-American relationships. He also asked for a repeal of the acts to which the colonists objected, and granting to the colonies of the rights of taxation. His resolutions were defeated in Commons, 270-78.³⁷

While Burke and Chatham attempted to bring about conciliation or at least present its values in Parliament, there was also intrigue behind the scenes in the winter of 1774-1775. It involved Franklin and individuals who probably represented the North Ministry. There is every indication that Quaker merchant David Barclay, the mysterious Dr. John Fothergill, Admiral Lord Richard Howe and Lord Howe's sister were acting with the knowledge, if not at the direction of members of the Cabinet. At the very least these people reflected the thinking and the hopes of an influential segment of British society which sincerely sought accommodation with America.

The tale as recounted by Franklin began with a visit from Barclay in early December, 1774, and a suggestion that Franklin prepare a list, outlining the terms of a settlement which would satisfy the American colonists.³⁸ Barclay told Franklin his suggestions would be passed on to his friend,

³⁷Ibid., XVIII, 215.

³⁸Smyth, The Writings of Benjamin Franklin, VI, 341.

Dr. Fothergill, who was in daily contact with the American Secretary, Lord Dartmouth.³⁹ Franklin protested he had no authority to speak for the Continental Congress, and could only make suggestions such as appeared to him would assist in bringing about an accommodation. After further prodding from Barclay, Franklin produced a list of "HINTS FOR CONVERSATION upon the Subject of Terms that might probably produce a durable Union between Britain and the Colonies."⁴⁰

Franklin's hints included suggestions that the tea destroyed in Massachusetts might be paid for if Parliament would repeal the Massachusetts Bay Regulating Act, the Quebec Act and refrain from altering charters, constitutions or laws of any colony. Franklin proposed Britain grant the right of free trade to the colonies in exchange for permanent grants of money from the colonies. Or if Britain yielded the right of taxation, it could exercise full regulation of colonial trade. Finally, Franklin suggested Parliament should repeal some act of legislation seen as oppressive by the colonies as an expression of its sincerity. Franklin thought a good choice might be the Declaratory Act, asserting Parliamentary supremacy over the colonies.⁴¹

³⁹Ibid., p. 327.

⁴⁰Ibid., p. 328.

⁴¹Ibid., pp. 328, 329, 330.

Later Franklin learned that Lord Dartmouth was in agreement with some of his proposals and had rejected others. The intricate negotiations continued through January and February, 1775 with Barclay and Fothergill relaying modifications between Franklin and Dartmouth.⁴² The end of the negotiations came February 20, 1775 after Lord North's conciliatory proposals were introduced in Parliament. Franklin was invited to wait on Lord Hyde, an associate of the American Secretary, Dartmouth. Hyde indicated that Franklin's hints fell short of what the North Ministry expected and Hyde apparently believed Franklin had powers or instructions from Congress for terms more favorable to England's viewpoint. Subsequently, the intermediaries, Barclay and Fothergill, urged Franklin to stand by his hints as a basis for accommodation.⁴³

This interlude paralleled in time Franklin's chess games with the sister of Lord Richard Howe. The invitation to meet the lady for chess came the same day as Franklin's first contact with Barclay and Fothergill about terms.

The first visit on December 4, 1774 led to subsequent chess invitations to Franklin, and a meeting between Franklin and Lord Howe on December 25, 1775. Howe asked Franklin for a list of the terms that would satisfy the

⁴²Ibid., p. 359.

⁴³Ibid., p. 393.

colonists and resolve the dispute between Great Britain and America. He also revealed he had a copy of the "hints" Franklin had given David Barclay. According to Franklin's recollection, the conversation included the suggestion ". . . that he [Lord Howe] should not think of influencing me by any selfish motive, but certainly I might with reason expect any Rewards in the Power of Government to bestow"⁴⁴ should a mutually satisfactory formula result from his (Franklin's) proposals.

Lord Howe's connections with the Ministry found Franklin's proposals for colonial reconciliation no more palatable than did Barclay's. Lord Howe's final bid was an offer to make Franklin the secretary of a Peace Commission to America. Franklin declined, saying he could not undertake such an assignment without full knowledge and concurrence with the terms under which the Peace Commission was to proceed.⁴⁵

The significant aspect of both the Barclay-Fothergill intrigue, and Lord Howe's efforts to sway Franklin's views on reconciliation between Britain and America was that they took place. They were further indications that Americans and Englishmen still thought of themselves as a single

⁴⁴Ibid., p. 353.

⁴⁵Ibid., p. 385.

nation. They demonstrated that among the British leadership there were still forces seeking the means to keep the two peoples under a common allegiance.

Franklin, however, found much in England that encouraged him to look in a new direction. Writing to Joseph Galloway shortly before his departure for America in March, 1775, he noted,

. . . . I cannot apprehend more Mischief than Benefit from a closer Union. I fear they will drag us after them in all the plundering Wars, which their desperate Circumstances, Injustice and Rapacity may prompt them to undertake; and their wide-wasting Prodigality and Profusion is a Gulph that will swallow up every Aid we may distress ourselves to afford them. Here Numberless and Needless Places, enormous salaries, Pensions, Perquisites, Bribes, groundless quarrels, foolish expeditions, false accounts or no Accounts, Contracts and Jobs devour all Revenue, and produce continual necessity I apprehend that to unite us intimately will only be to corrupt and poison us also.⁴⁶

Lord North's conciliatory proposals of February 20, 1775--even if thus labeled--represented no genuine desire for accommodation. The terms of the proposal were a simple restatement of Ministerial policy. The colonies were to tax themselves for imperial revenues so long as Parliament approved of the amount collected and the colonies remitted this to England. Meanwhile, Parliament reserved to itself the right to regulate colonial commerce through taxation. ". . . it will have been just, it will have been humane, that we held out the terms of peace," North said before

⁴⁶Ibid., p. 312.

Commons. "If they reject it, their blood must be upon their own hearts. But I have better hopes: there are people, and I hope whole colonies, that wish for peace; and by these means, I hope they will find their way to it."⁴⁷

Others were less generous and North's proposals were immediately attacked by the pro-American elements in Parliament. Later evaluators have been equally harsh. "It was not even a halfway measure for peace; it was a stupid gesture," is one historian's evaluation.⁴⁸ The dissenting views expressed in Parliament reached colonial newspapers in America quickly and were widely reproduced. Meanwhile, events outran North's proposal. By the time word had reached America, first blood had been shed at Lexington and Concord. Neither the Americans nor the Ministry were now in a mood to consider seriously steps toward reconciliation. Yet Americans held back from the act of separation as well.

There was still another effort in Congress to make an appeal to the people of Great Britain. In colonial eyes, Lexington, Concord and Bunker Hill had demonstrated the mettle of colonial troops and the vast consequences to Great Britain of suppressing American grievances by force. The Continental Congress on July 8, 1775 approved a second

⁴⁷Parliamentary History, XVIII, 322.

⁴⁸Weldon A. Brown, Empire or Independence (Port Washington, N.Y., [1941] 1966) p. 45.

petition to the King seeking reconciliation. It was largely written by Pennsylvania's John Dickinson. The so-called Olive Branch petition appealed for a compact between King and colonies defining the rights of each. It proposed as a basis for agreement that if Great Britain would surrender on the taxation issue, the colonies would agree to Britain's right to regulate their trade; or, for the right of free trade, the colonies proposed to raise their appropriate share of Empire revenues. These were in essence the same terms which Franklin had transmitted to the North Ministry through Barclay and Fothergill earlier in 1775.⁴⁹

Richard Penn was prevailed upon to deliver the petition. He presented it on August 21st to Lord Dartmouth, who declined to accept it until September 1st. On August 25, 1775, the American colonies were declared by King George III to be in a state of rebellion. The petition was summarily rejected by Commons on November 10th.⁵⁰ Though the results of the Olive Branch petition were nil, it demonstrated again that some Americans still believed reconciliation was attainable despite the stresses of 1775. And the forms and methods followed remained within the framework of what colonists perceived as the English constitution.

⁴⁹Syrett, American Historical Documents, p. 78.

⁵⁰Bargar, Lord Dartmouth and the American Revolution, p. 159.

The Howe Commission of 1776 was another attempt to bring about reconciliation. The brothers Howe, Sir William, commander-in-chief of British Armies in America, and Lord Richard, commander-in-chief of British Naval forces in America, were also authorized to restore the peace. Under instructions concurred in by the North Ministry, the Howes could pardon individuals and groups for treason, and after a colony, town, port, district or place had renewed its allegiance to the king, it could once more enter into trade.⁵¹ To recover full legal status, however, all provincial congresses, committees, conventions and associations had to be dissolved and the King's officials allowed to return to authority. Colonial armies were required to disband. All forts and military bases were to be restored to British control.⁵²

After these preliminary steps were taken, the peace commissioners were directed to order elections for a new legislature. The next requirement would be repayment to Loyalists for lost or damaged property. Once this was out of the way discussions could commence on the annual contribution each colony would thereafter make to the British exchequer. Each colony was to be permitted to raise its

⁵¹Brown, Empire or Independence, p. 82.

⁵²Ibid., p. 83.

contribution in any way it chose--except taxes on British-colonial trade were excluded. In addition, the Commissioners were told to pursue reforms in the colonial charters along the lines of those established for Massachusetts by the Massachusetts Bay Regulating Act. These were a strengthened Governor's council appointed by the King; judges commissioned in the same manner as those in England; and various other reforms. The Connecticut and Rhode Island charters were especially designated as needing revision.⁵³

The Prohibitory Act authorizing the King's representatives to grant pardons and carry out conciliation was passed by Parliament in December, 1775. The detailed instructions of the peace commissioners were not completed until May 6, 1776, shortly before Lord Howe sailed for America, May 12th. Thus, rumors and reports of the terms brought by the peace commissioners had every opportunity to reach America before the arrival of Lord Howe. Proponents of independence had time in which to act and they did. Howe arrived in America in mid-July about two weeks after Congress had decided on independence.

The motives which moved Congress to declare for independence in July, 1776, are a question much beyond the scope of this discussion. Surface evidence, however, would seem

⁵³Ibid.

to indicate a knowledge by Congress of the Howe Peace Commission and the terms it brought contributed at least to the timing of the Declaration. Some members of Congress sought to delay a decision on independence until the reconciliation which was to be offered by Lord Howe was explored. In the end Congress took the step toward independence before Howe reached America.⁵⁴

Through proclamations and communications directed to Congress Lord Howe made known the terms of his Peace Commission. The letters to Congress were never formally accepted since Howe could not address that body directly. Nonetheless, a Committee reviewed and rejected the Howe terms.⁵⁵

General John Sullivan, an American captured at the Battle of Long Island, and then paroled, brought word to Congress of Lord Howe's reported willingness--and authority --to redress grievances beyond the published peace terms. Howe asked a committee from Congress to confer with him in their private capacities.⁵⁶ A bitter debate within Congress finally produced a decision to send Benjamin Franklin, John Adams and Edward Rutledge as a Congressional committee--not private citizens--to meet with Howe on Staten Island, September 11, 1776.

⁵⁴Ibid., p. 105.

⁵⁵Ibid., p. 112.

⁵⁶Ibid., p. 116.

After preliminary fencing over whether either Lord Howe or the Congressional delegation were acting in their official capacities, the group settled down to a discussion of conciliation as private persons. Lord Howe suggested as a first step toward peace the Americans withdraw the Declaration of Independence. Franklin replied that Lord Howe could probably obtain revised instructions from his government in London more quickly than the colonists retreat from their independence. When Franklin tested whether Howe would forward American proposals to London, Howe avoided a direct answer. Howe indicated he doubted the propriety of his accepting or transmitting them to London.⁵⁷

At this point it was obvious that General Sullivan had misunderstood or Lord Howe failed to explain his position. The Admiral's authority was strictly limited to those terms of conciliation with which Congress was already familiar. The last face to face meeting between British and American representatives seeking conciliation came to a halt. The meeting had lasted only about three hours, including a preliminary dinner and the lengthy quarrel over whether the negotiators were acting in their official capacities or as private individuals.

The years 1774, 1775 and 1776 had produced dedicated efforts by men and governments in both Britain and America

⁵⁷Ibid., p. 124.

aimed at conciliating their differences and discovering an accommodation for a continuation of the mutual relationship. All of these efforts failed. Inevitably, Lord North and the Ministry he headed can be assigned a major share of the responsibility for failure. The hard-line policy of coercion initiated in 1774 produced a climate of despair in which no efforts at conciliation could thrive. The so-called conciliatory proposals of 1775 and the Howe Peace Commission fell far short of most American expectations. Nonetheless, North's coercive measures were supported by consistent Parliamentary majorities--some indication that his actions were within the framework of British public opinion.

Perhaps the major shortcoming of British policy was its duality of purpose. The Parliamentary program of 1774 was accompanied by the movement of British troops to Massachusetts. Their commander, Sir Thomas Gage, was also appointed the royal governor with instructions to implement the measures of firmness and reform passed by Parliament. Britain became instantly vulnerable to colonial accusations that traditional freedoms were being trampled when political policies were executed by troop commanders vested with royal governorship.

In addition, the North Ministry failed to support in any way the moderate Americans and their proposals. This

tended to drive those who supported the Galloway plan or other means of conciliation either into the ranks of the independence faction or into the arms of the Tories. The nucleus of the conciliation faction never had a chance to coalesce or expand its membership through a natural process encouraged by modest support from London. The summary rejection or disregard of petitions from Congress cut the ground from under those Americans whose thinking and action might have delayed independence while a compromise was being sought.

Thus, those Americans such as Samuel Adams, Thomas Paine and others dedicated to breaking the bonds between the North American colonies and England were able to portray the North Ministry in most conspiratorial hues. The combination of military force and hard-line political policy could be made to appear as a deliberate effort aimed at reducing the colonies to complete subjection. Disregard of petitions framed in traditional phrases appealing to English constitutional bulwarks only made the work of these propagandists easier.

Franklin's indirect negotiations with Lord Dartmouth could have been the catalyst for formal meetings on a new relationship between the colonies and Great Britain. Franklin was undoubtedly the most widely known and best equipped American in England to represent the colonial view-

point. However, the Hutchinson letters incident, in which letters from the Royal governor of Massachusetts to friends in England fell into Franklin's hands and were subsequently published in America, gravely weakened Franklin's position. He was "vilified" by the Solicitor General Alexander Wedderburn in a hearing before the Privy Council on January 29, 1774.⁵⁸ Under these circumstances it was impossible for the North Ministry to pursue reconciliation openly through Franklin, and provides at least a partial explanation for the discreet use of intermediaries such as Barclay, Fothergill and Lord Howe's sister in the winter of 1774-1775.

By the spring of 1775 there was little time or room left for political maneuver. The majorities which defeated both Chatham's and Burke's moves for conciliation indicated a solid base of Parliamentary support for North's policies.

Once conflict began in Massachusetts at Lexington and Concord conciliation became increasingly difficult. The early battles convinced colonists of their ability to withstand at least the military threat aimed at them. A major battle, Bunker Hill, was fought and an invasion of Canada launched, and still Congress held back from the final step of independence. This underlines again the point that a faction of Congress representing a segment of colonial opinion still held hopes for conciliation.

⁵⁸ Michael G. Kammen, A Rope of Sand (New York, 1974) p. 285.

The Howe Commission with its overtones of duplicity-- again a combination of political and military purposes-- repeated the errors of Gage in Massachusetts. Those dedicated to independence found an easy target in attacking British motives in sending a military commander as a peace commissioner, and whose only terms were pardons to those who submitted to their previous allegiance. These failures in combination with all of the profound misunderstandings of America held by British officialdom and coupled with American mistrust of the distant bureaucracy in London made accommodation a fruitless search in 1774, 1775 and 1776.

CHAPTER III

THE CARLISLE COMMISSION AND RECONCILIATION

Early December, 1777 brought the North Ministry face to face with a major military disaster in North America. The American Secretary, Lord Germain, admitted in Commons on December 3rd that disturbing reports of a battle at Saratoga in the province of New York had reached him.¹ The Canada Expedition under the command of Sir John Burgoyne had met a serious setback. Indeed, if the preliminary reports were confirmed, it appeared the combined force of British and German troops as well as Indian irregulars had been surrounded by colonial regulars and militia, and had surrendered. The reports were confirmed. An English-German army of 8,000 was lost. The attempt to split New England from the other rebellious North American colonies had ended in total failure.

As this gloomy news enveloped Parliament, it became increasingly clear that with American military success, French support of the colonists might quickly expand beyond the hitherto somewhat furtive supplies of credit and

¹Parliamentary History, XIX, 322.

materiel. Rumors circulated in London of the pending French recognition of American independence. A full alliance between the North American rebels and France was viewed in England as an increasing likelihood which might lead England into a new war with France.

In the few days between the arrival of the news of Burgoyne's debacle and the scheduled annual Christmas recess, Lord North's foes in Parliament pursued both issues. David Hartley, Member from Hull, proposed an immediate cessation of the North American hostilities in order to seek a reconciliation with the colonists. To reach this end it would be necessary, Hartley said,

. . . to bestow upon the colonies an entire freedom of legislative powers within themselves; hoping thereby to lay a foundation for a perpetual and indissoluble bond of affection and alliance in every respect as beneficial to both countries"²

Hartley's proposals were defeated without a division.

Before Parliament recessed, however, North's foes resumed their attack. The Opposition renewed its demands for an inquiry into the events which culminated with Burgoyne's surrender, the status of Franco-British relations, and combined these efforts into a motion calling for Parliament to meet the growing crisis by remaining in session and foregoing its customary Christmas recess.³ Despite warnings of

²Ibid., p. 560.

³Ibid., p. 591.

the pending Franco-American alliance, Lord North presented an undisturbed countenance to Commons. As early as November 20, 1776, Lord Stormont, British Minister to Paris, had reported to Lord Weymouth,

I am very secretly and, I am afraid, authentically informed that a treaty or convention is not only agreed upon, but is actually drawn out article by article, libelle et paragraphe, were the words my informer used.⁴

Nonetheless, Lord North reassured Commons on December 10th in the debate over the adjournment, "The Campaign is already terminated. France did not molest us; nor did he believe either France or Spain had the least intention to molest us" ⁵ The effort to bring Parliament back into session in seven days rather than the customary six week adjournment was initiated by Burke. His motion failed, 155 to 68, but not before North had promised to present to Parliament after the Christmas recess conciliatory proposals aimed at restoring peace in the North American colonies. A similar motion to remain in session over the Christmas holidays of 1777 was also defeated in the House of Lords.⁶

⁴ B. F. Stevens, Facsimilies of Manuscripts in European Archives Relating to America, 1775 to 1783 (25 vols., London, 1889-1895), XIV, 1376.

⁵ Parliamentary History, XIX, 591.

⁶ Ibid.

Parliament's recess did not deter one of its members, William Eden, from his work on a plan of reconciliation with America. Since Eden was a confidante of North, it is more than likely his efforts were guided to some extent by North. With its customary circumspection, Eden and the British Ministry began to try to sound out the American Commissioners in Paris on their views of acceptable conciliation terms. Agents of the North Ministry (including Paul Wentworth who represented Eden) made a series of approaches to both Franklin, now American Commissioner to the Court of Louis XVI at Versailles, and his fellow commissioner, Silas Deane, the Connecticut merchant. But by December 16, 1777, Franklin had been informed by a representative of Comte Vergennes, the French Foreign Minister, that France was ready to recognize American independence, and to enter into a treaty of friendship and commerce with the new nation.⁷

Franklin had suddenly become the focus of both British and French diplomacy. It is difficult to determine exactly all the North agents who contacted Franklin personally, through intermediaries, or through correspondence. It would appear from the references in Franklin's writings that the main approaches were made by James Hutton, the elderly leader of the Moravian religious sect in Europe and America;

⁷Edward E. Hale and Edward E. Hale, Jr., Franklin in France (2 vols., New York, 1969, 1887), I, 176.

David Hartley, member of Parliament and persistent advocate of conciliation; William Johnstone Pulteney, member of Parliament from Shrewsbury; a Mr. Chapman, member of the Irish Parliament; Benjamin Vaughan, an associate of Lord Shelburne; and the mysterious Charles de Weissenstein.

In addition, the correspondence between King George III and Lord North identifies Paul Wentworth, a British agent on the Continent, as another North emissary who sought to learn American conciliation terms from Franklin in the December-January, 1777-78 Parliamentary recess. The King wrote to Lord North on January 13, 1778:

I have read the very voluminous and undigested letters from Mr. Wentworth It also appears from these letters that Franklin and Deane either have no power of treating or that they are not inclined to furnish any lights how an accommodation can be effected, for whilst nothing short of Independency will be accepted, I do not think there is a Man either bold or Mad enough to presume to treat for the Mother Country on such a basis; perhaps the time may come when it will be wise to abandon all North America but Canada, Nova Scotia and the Floridas, but then the generality of the Nation must see it first in that light; but to treat with Independence can never be possible.⁸

Who were the authorized and genuine representatives of the North Ministry? Who were agents or double agents? Who acted out of compassion or goodwill generated by only their own dedication to restoring peace and harmony within the British Empire? It is difficult to sort the authentic agents

of government from the frauds. But with the French commitment of December 16, 1777 to American independence and an alliance, Franklin made the French connection his basic position. He responded to all approaches with essentially the same terms--immediate American independence or the withdrawal of British forces from North America--was the necessary first step to any discussion of conciliation.

Those who appear to have been accredited representatives of North (in addition to Wentworth) were most likely William Pulteney and David Hartley. Their contacts with Franklin may well have contributed to the conciliatory proposals made to Parliament by Lord North, February 19, 1778. The greatest contribution to this plan, however, came from North's aide, Eden. During December, 1777 and January, 1778 he had been busily preparing the peace proposal for North's consideration. In the process he corresponded with a number of members of Parliament, and had the aid of Solicitor-General Alexander Wedderburn in drafting his measure.⁹

"A pacific proposition," North wrote to the King on January 29, 1778,

appears to him [Lord North] necessary both for this country and America; Ld. North's declaration requires it; at the same time it may be very disgusting to the present zealous friends of government. If a proposal is made it must be a considerable and explicit one and such as bids fair to have some effect

⁹Stevens, Facsimilies of Manuscripts in European Archives Relating to America, 1775 to 1783, IV, 346,348.

in the Colonies. But what will do there may offend and fail here¹⁰

It is almost certain that before North made public his proposals in Parliament on February 19, 1778, he was fully aware that the Franco-American Alliance had become fact. Wentworth in Paris confirmed that the treaty had been signed.¹¹ Lord Camden told the House of Lords on February 16, 1778 he had seen correspondence from Franklin that North's still pending proposals were too late. He added that the Franco-American Alliance had already been signed in Paris.¹²

In the face of certain knowledge that American independence had been recognized by England's traditional enemy, Lord North continued his conciliation plans. In general terms, he proposed "to repeal the Tea Duty, to repeal the Massachusetts Charter Bill, and to give, by an Act of Parliament, ample promises to the Commissioners to settle every other point."¹³ This included renunciation by Parliament of its right to tax Americans, and the appointment of Commissioners to treat with Congress, colonies or individuals on further grievances in bringing about reconciliation.

¹⁰Correspondence of King George III, IV, 28.

¹¹Ibid., p. 36.

¹²Parliamentary History, XIX, 741.

¹³Correspondence of King George III, IV, 28.

The American sine qua non had been achieved with the signing of the French treaty thereby recognizing American independence February 6, 1778.¹⁴ But Vergennes insisted on maintaining secrecy on the treaty while he made his final efforts to bring Spain in also as a signatory to the American treaties. Thus, Franklin continued to play the role of the reluctant colonial determined upon independence as a preliminary to any accommodation.

Some have argued that North's conciliatory measures were designed chiefly to block or delay the Franco-American rapprochement. North was aware the agreement between France and America had been formalized before he presented his plans to Parliament. Even after the French officially notified England of their recognition of America on March 1, 1778, North continued his efforts at conciliation.¹⁵ Discussions about conciliation with other Ministers and its review with the King indicate it was not considered some minor diplomatic ploy.

Likewise the sincerity of Franklin in conciliation negotiations in the spring of 1778 has been questioned. Did he encourage the English approaches to maintain a delicate pressure upon the French during a critical period of the

X ¹⁴Samuel F. Bemis, The Diplomacy of the American Revolution (Bloomington, Indiana, [1957] 1935) p. 61.

¹⁵Correspondence of King George III, IV, 77.

treaty negotiations with France? That same pressure after the treaty signing could also have been the means to assure that the French would observe their treaty obligations. It is worth noting that Franklin consistently sought from Great Britain only that which France had already granted--recognition of American independence. There seems every indication that Franklin's actions were steadfastly directed toward American independence.

Writing to Hartley on February 26, 1778, Franklin repeated the essential ingredients of the accommodation the North Ministry was seeking, that is, independence or the withdrawal of British forces in North America. He added,

Seriously, on further thoughts, I am of the opinion that, if wise and honest men, such as Sir George Savile, the Bishop of Asaph, and yourself were to come over here immediately with powers to treat, you might not only obtain peace with America, but prevent a war with France.¹⁶

Lord North's proposal for an American Peace Commission received the same critical scrutiny in Parliament it would undergo at a later date in America. Rumors of the Franco-American treaty continued, but were still denied officially by the Ministry in Parliament. The strongest arguments in support of the conciliation measures were those which repeated the truisms of the Anglo-American relationships in which many members of Parliament still believed. "To Great

¹⁶Smyth, The Writings of Benjamin Franklin, VII, 109.

Britain they [the colonies] are united by religion, government, laws, language, habits, affection and relation," Sir Grey Cooper, a North supporter and advocate of the plan, told the House of Commons on March 2, 1778 during the debate on the conciliation question.¹⁷

Lord Shelburne opposed the North plan as falling short of what the colonies would demand. Still, he warned, the shock of separation to Great Britain would be drastic. He voiced the commonly held belief that, ". . . the sun of Great Britain is set, and we shall no longer be a powerful or respectable people, the moment the independency of America is agreed to by our government."¹⁸

Another viewpoint was that of John Wilkes, the controversial radical member of Commons representing a London district. "The Conciliatory bills," he declared in Commons, "are in my opinion more calculated for this country than America. They appear only meant to keep the minds of the people quiet here"¹⁹

The Earl of Abingdon's protest against the American Conciliatory Bills pointed out some of the major deficiencies in North's proposals. First, that Parliament in renouncing taxation of the colonies could provide no guarantee

¹⁷Parliamentary History, XIX, 791.

¹⁸Ibid., p. 850.

¹⁹Ibid., p. 806.

that a future Parliament might not reinstate that taxation. Second, how could Parliament suspend a right that many members as well as Americans argued was not possessed by Parliament in the first instance? Third, Congress would be compelled to negotiate with the English peace commissioners without knowing what would be ultimately accepted by Parliament.²⁰

Approval by Parliament of Lord North's American Peace Commission did not deter either North's official agents or those who thought they acted on England's behalf from pursuing matters with Franklin. Franklin summed up his view of the North plan in a letter to Gerard Rayneval in the French Foreign Ministry.

He will show you the Propositions. They would probably have been accepted, if they had been made two years ago. I have answered they come too late; And that every Kind of Acknowledgement of the Government of Great Britain, how small soever, is now become impracticable.²¹

The long-rumored Franco-American treaty was finally confirmed by Lord North in Commons on March 17, 1778. Conciliation with America now gained a new force generated by the fear of war with France. Writing to the King, March 25th, North pointed out,

. . . although the offence received from France is great He [Lord North] owns that he should be glad if an accommodation with America would prevent for the

²⁰Ibid., p. 867.

²¹Smyth, The Writings of Benjamin Franklin, VII, 128.

present moment a war with France, as he thinks that Great Britain will suffer more in the war, than her enemies, He does not mean, by defeats, but by an enormous expense, which will ruin her, and will not in any degree be repaid by the most brilliant victories.²²

It was under these circumstances that William Pulteney was dispatched to Paris on March 29, 1778 to meet with Franklin and seek his agreement to the North plan of conciliation. Franklin merely repeated to Pulteney that the propositions of 1778 were two years too late. Independence or the withdrawal of British forces in North America remained the rock bottom conditions for negotiation.

Pulteney's own analysis of his mission and the prospects for reconciliation appeared in a pamphlet published later in 1778 under the title, Thoughts on the Present State of Affairs with America and the Means of Conciliation.

Pulteney reviewed the American question from its emergence as a dispute over taxation, and concluded

. . . the Americans had no option but either to submit as a conquered people . . . or to declare themselves independent, in order to establish some regular form of government amongst themselves, and to entitle them to treat for assistance with other powers.²³

To resolve England's dilemma, Pulteney leaned heavily on Lord North's proposals with some additional concessions.

²² Fortescue, Correspondence of King George III, IV, 77.

²³ William Pulteney, Thoughts on the Present State of Affairs with America and the Means of Conciliation (London, 1778), p. 41.

He would have eliminated permanently any question of current or future British taxation in the American colonies, and made voluntary all American contributions to Empire administration. All colonial charters would have been restored and remained unchanged except by petition from the colonists. Pulteney also went beyond North's plan by urging the repeal of the Quebec Act, and promising the establishment in Canada of a form of government modeled on the British constitution. Pulteney was frankly fearful of the long-range results of the Franco-American alliance, the ultimate military and economic strength of an independent America, and especially the role it might play in international relations as a protege of France.²⁴

"The two countries [England and America] ," he pleaded,

are peculiarly fitted to contribute to each others prosperity; and if anything is likely to prolong, to ages too remote for probable conjecture, the freedom and prosperity of this Kingdom, I conceive it would be, the connection which may now be formed, with British America.²⁵

Perhaps the strangest of all the agents who sought to contact Franklin in Paris for the purpose of reconciliation was Charles de Weissenstein. His letter to Franklin was purportedly posted from Brussels, June 16, 1778 and delivered surreptitiously. The basis for the secret negotiations which

²⁴Ibid., pp. 45, 54, 55.

²⁵Ibid., p. 54.

de Weissenstein proposed were essentially Lord North's propositions. Once terms had been agreed upon, de Weissenstein suggested they could be confirmed by an Act of Parliament.

There was no doubt in Franklin's mind that the de Weissenstein initiative originated either with King George III or with one of his Ministers. The clearest evidence of this origin is that portion of the de Weissenstein letter which suggested,

. . . the following persons shall have offices, or pensions for life, at their option, according to the sums opposite their respective names: --

Messers. Adams,
Hancock,
Washington,
Franklin,
&c, &c, &c

In case his Majesty or his successors shall ever create American peers, then these persons, or their descendants, shall be amongst the first so created, if they choose it. Mr. Washington to have immediately a brevet of Lieutenant General, and all the honors and precedences thereto²⁶

Franklin was directed to send his response by messenger to Notre Dame at an appointed day and time. The messenger was to wait for the drop of a crumpled paper to the floor of the Cathedral to signal his readiness to receive the response. Franklin's answer, flatly rejecting the propositions and the mode of negotiation, was prepared but probably never delivered since the de Weissenstein letter

²⁶Hale and Hale, Jr., Franklin in France, I, 239.

and the response were found together in the French archives.

According to Edward Hale in Franklin in France,

On the day and hour appointed at Notre Dame, an Irishman named "Col. Fitzsomething" appeared at the place appointed and remained for two hours tracked all the time by police, who had been directed by Vergennes to keep an eye upon him.²⁷

Meanwhile in London the North Administration slowly gathered the individuals who were to make up the American Peace Commission. As its head, the King appointed Frederick Howard, Earl of Carlisle, whose name would forever be associated with the reconciliation efforts. Carlisle had a reputation as an ambitious but ineffective politician with a flair for high living. Eden, architect of the Peace Commission and close to Lord North, was also selected. Although Carlisle was the Commission's chief, Eden virtually directed affairs because of his association with North. Sir Henry Clinton, commander-in-chief of British Forces in America, was also appointed to the Commission, but remained entirely inactive so far as its peace-making activities were concerned. The fourth commissioner named was Richard Jackson, member of Parliament from New Romney. When Jackson expressed reluctance over participating, and indicated he favored an immediate grant of independence for America, he was quietly dropped. He was replaced by Commodore George

²⁷Ibid., p. 243.

Johnstone, also a member of Parliament and a one-time Governor of Georgia.

Instructions to the Commissioners for achieving reconciliation were detailed and voluminous. In addition to the concessions already made by Parliament in suspending or repealing existing acts, the Commissioners were authorized to promise:

The claim of independence to be admitted during the time of the treaty and for the purpose of the treaty.

British protection of American commerce as soon as peace was established.

No taxation of the colonies by Parliament.

Voluntary contributions for Empire administration and defense.

No standing army in America in peace time if provincial forces were organized.

No alteration of colonial charters except by colonial consent.

Popular election of Governors with the King's approval.

Election of delegates to Congress under the Articles of Confederation to continue, but no infringement of the sovereignty of Great Britain.

Unqualified pardon of all persons.

Admiralty Courts to be restrained in their operation.

If repeal of the Declaratory Act was proposed, a declaration on the respective rights of Great Britain and America should be framed upon the close of the whole treaty.

Abolition of quitrents and claims for arrears.

Loyalist property must be restored to its owners.

Colonial obligations prior to August, 1775 must be paid.

England would not redeem colonial paper money nor accept responsibility for debts incurred by the colonies in the course of the rebellion.²⁸

No renunciation of the Declaration of Independence was spelled out as had been the case in the conciliation plan of 1776. However, it was expected that there was to be a tacit American acceptance of this when agreement had been reached on all the remaining terms of peace.

Certainly the North Administration had moved a great distance from its position at the time of the Howe Peace Commission of 1776. Burgoyne's surrender at Saratoga and the possibility of French intervention had placed colonial problems in a vastly different perspective. Taxation of the colonies was forthrightly abandoned in favor of a voluntary plan. Legislative supremacy was no longer the exclusive prerogative of Parliament, but to be shared in somewhat undefined terms with Congress and the colonies if one presumes Parliament would have ratified the extreme limits of the Carlisle Commission's instructions. While the question of American representation in Parliament was raised in the instructions, the Commissioners were directed to refer proposals on this matter to the Ministry before taking any steps to confer this privilege on Americans. In all, the

²⁸Eric Robson, The American Revolution in its Political and Military Aspects (New York, 1966) p. 197; Brown, Empire or Independence, pp. 250-251.

Commissioners carried an attractive package of peace proposals that went far toward recognizing Congress as an independent power at least for the purposes of negotiating a treaty and re-establishing the peace. It was responsive to what had been the chief colonial grievances prior to 1776. It was intended that the basis of any treaty rest on restoring conditions as they existed in 1763, now seen as a happy era that had ended the Anglo-French rivalry in North America and before the recent colonial quarrels had arisen.

Great Britain was offering to America what later generations would refer to as virtual dominion status. In the opinion of William Knox, a key figure at the Board of Trade where he served so long,

. . . if the colonies had accepted the offers the Commissioners were empowered to make, the people then would have had all the advantages of British subjects without any share of the burdens of Empire²⁹

When the proposals reached America on April 14, 1778 well ahead of the Commissioners, they were forwarded to General Washington by Royal Governor Tryon of New York. Washington passed them on to Congress with a suggestion they be given wide distribution so long as Congress added its appropriate comments on the proposals. Washington logically suspected some major diplomatic event in Europe had brought about the new British conciliation proposals. Congress

²⁹Ibid., p. 197, as quoted by Robson.

agreed with Washington's analysis, and on April 22, 1778 voted to reject the North conciliation plan as insincere and divisive.³⁰ It refused to enter into any negotiations until England either acknowledged American independence or withdrew its forces from the colonies. Meanwhile, Congress urged publication of the proposals along with its comments in colonial newspapers. The Congressional comment virtually paralleled that already made in Parliament as the conciliation proposals were debated.

Whether Congress had acted wisely in an immediate refusal to consider Great Britain's offer to retreat from its long-held positions on many imperial questions and to negotiate a new relationship was discussed by the general public only briefly. On May 2, 1778 Silas Deane reached York, Pennsylvania, the temporary seat of Congress, bearing the French treaties recognizing American independence. The treaties were swiftly ratified by a hastily reassembled Congress.

Thus, when the American Peace Commissioners reached Philadelphia on June 6, 1778 nearly all likelihood that their mission might enjoy any success had already been destroyed. They found Americans buoyed not only by the military success of Saratoga, but reassured in the new-found

³⁰Journals of the Continental Congress (39 vols., Washington, D.C., 1908), X, 380.

security of the Franco-American Alliance. To the further dismay of the Commissioners, on their arrival in Philadelphia they discovered the British forces about to evacuate the colonial capitol, and under orders to detach a large part of the existing British forces in North America for an expedition to the French West Indies.³¹ Events, unfavorable at the outset for England, had continued to run against the cause of conciliation.

The Commissioners wrote to the President of Congress on June 9th, declaring their authority to negotiate peace terms and outlining the basis upon which their instructions rested for reaching a peaceful settlement of Anglo-American differences. The Congressional response on June 17, 1778 was a reiteration of the earlier decision on April 23rd: acknowledgement of American independence or withdrawal of British forces were pre-conditions before any negotiations could be considered.³² Commodore Johnstone, one of the Peace Commissioners, thereupon launched a personal campaign of letter writing to colonial leaders. The letters promised high honors and rewards to those who would help in bringing about conciliation. The recipients generally interpreted Commodore Johnstone's letters as clumsy attempts at bribery.

³¹Robson, The American Revolution in its Political and Military Aspects, p. 198.

³²Journals of the Continental Congress, XI, 614.

The letters were turned over to Congress and many ultimately published.³³

On July 11th the Commissioners wrote again to Congress, which declined to answer a letter inquiring by what authority Congress made treaties with foreign powers. The Commissioners issued two more despairing manifestos proclaiming their peaceful purposes and their desire for reconciliation. The first was published on August 26, 1778 and the second on October 3rd. Neither produced even a modicum of favorable public or press sentiment toward conciliation.³⁴ Nor did Congress even feel it necessary to acknowledge the proclamations. The discouraged Commissioners set sail for England in November, 1778, their mission a complete failure.

William Eden, one of the Peace Commissioners, reviewed the Commission's work in a pamphlet published in 1779. With considerable accuracy he identified France as the principal cause of his failure in America. "I am . . .," he wrote,

. . . fully satisfied that if France had not thrown away the scabbard in the beginning of last year, your Lordship [the Earl of Carlisle] would have had the honour of announcing to this country the recovery of her colonies³⁵

³³Robson, The American Revolution in its Political and Military Aspects, p. 203.

³⁴Ibid., p. 205.

³⁵William Eden, Four Letters to the Earl of Carlisle from William Eden, Esq. (London, 1779) p. 40.

Eden saw the conflict in America not as a colonial struggle for independence but rather an imperial rivalry over colonies between Great Britain, France and Spain. The critical question for Britain's foremost advocate of conciliation was

. . . whether we shall be deprived of our dependencies, be stripped of our maritime power, become total and immediate bankrupts to all the world and hold a crippled trade and commerce hereafter at the goodwill and compassion of the House of Bourbon.³⁶

Eden also pointed out, "The original object of this war is the recovery of our Colonies (and we should never lose sight of that object)." He concluded, ". . . but our first purpose at present is to establish our superiority at sea against France and Spain."³⁷

From December, 1777 through the fall of 1778 the initiative for conciliation had been assumed logically and almost solely by Great Britain. She made the concessions, she proposed the terms which even her own Parliament might have found it difficult to ratify and she undertook to bring the Americans to the conference table either in Paris or in America. All of her efforts at conciliation failed. Why?

First, and most obviously, American military strength and American diplomacy were in the ascendancy. Lord Jeffrey Amherst, victor in America in the French and Indian War, was

³⁶Ibid., p. 48.

³⁷Ibid., p. 57.

asked for his advice on future British strategy in the dark days of December, 1777. He coolly informed the King it would require another army of at least 40,000 men to make up for the losses at Saratoga and conquer America.³⁸ Such an undertaking was beyond the logistic and support capabilities of Great Britain even if the American rebels were her only concern, which was not the case. French intervention had to be considered a highly probable development; Spain, too, might play a role. The Franco-American Alliance only worsened an already desperate situation.

Little wonder Lord North wrote on March 25, 1778 to the King in a gloomy forecast:

Lord North begs leave to trouble his majesty for a moment on a disagreeable subject in which he is bound to speak truth, the bad situation of affairs will with great appearance of reason be attributed to the obstinate perseverance in the American War. There is therefore no probability that the present Ministers can continue many weeks longer In short, peace with America, and a change in the Ministry are the only steps which can save this country.³⁹

The motivation for conciliation and peace were primarily British and hence the initiatives had to come from that source. But for whatever reason, the Ministry proved incapable of laying out a coherent master plan and following it. Its simultaneous multiple policies could only lead--as they did--to charges of insincerity and divisiveness. This

³⁸Fortescue, Correspondence of King George III, IV, 15.

³⁹Ibid., p. 78.

at a time when credibility was an attribute that British diplomacy desperately needed. A case in point was the multiple efforts of British representatives to bring about conciliation negotiations in Paris. Who spoke for the King? Paul Wentworth, James Hutton, David Hartley, William Pulteney or Charles de Weissenstein? The outward appearances of these efforts were trickery and deceit.

It might be argued that Franklin encouraged this situation in order to keep the French responsive to American financial and military needs. However, it is difficult to believe that if Franklin had perceived a genuine British willingness to negotiate on the basis of independence he would not have seized it quickly. American success was never such a sure thing that a legitimate opportunity could be ignored.

North's conciliatory proposals which evolved into the Carlisle Commission could have been--as some have suggested--simply a last ditch effort at blocking the Franco-American Alliance. The facts to support this viewpoint are almost totally absent. If this were the case, then the superb British intelligence system failed Lord North miserably. The Franco-American Alliance was agreed upon and signed before Lord North offered his conciliation plan in Parliament on February 17, 1778. "Within forty-two hours after the signature of the treaties of February 6, 1778, Bancroft

got copies of them to Whitehall . . . ,"⁴⁰ and North must have been aware of the Franco-American Alliance well before his conciliation terms reached Parliament. It is another tribute to Dr. Edward Bancroft, secretary to the American Commissioners, and known to be one of North's intelligence sources in Paris.

It seems far more logical in the context of North's own concerns for the future, his willingness to turn over the leadership to Lord Chatham and the gloomy military outlook seen by Lord Amherst that the conciliation effort was genuine. From the British viewpoint it offered an escape from the quicksand of an increasingly costly American War while faced with a new French threat.

Within the political and diplomatic ramifications of the conciliation of 1778 and the Carlisle Commission can be identified some of the critical elements in the great reconciliation effort by Great Britain in 1782. Among them were the British perspective of the Anglo-American bonds of language, government, culture, religion and shared traditions. Another was the unreasoned fear of the economic consequences to Great Britain from the loss of its colonies. England's growing diplomatic isolation in Europe was still another factor. The ferment of domestic political reform contributed its uncertainty, too. And compounded with these

⁴⁰ Bemis, The Diplomacy of the American Revolution, p. 66.

elements was the conservative conviction that the system of mercantilism which had brought England to its greatest hour of triumph in 1763 still remained the touchstone of future economic security. Each had helped to shape the failure of conciliation in the crisis of 1777-78 and each would play a role in the final treaty of peace between America and Great Britain.

CHAPTER IV

THE LAST CAMPAIGN

Militarily and more important, diplomatically, the year 1778 marked a watershed in the events of the American War. With the revelation of the long expected Franco-American alliance in March, the war which had begun as a North American colonial rebellion against imperial restraints became international in scope. France openly entered the struggle in March, 1778 as an ally of the colonies. Spain followed France's lead in April, 1779. Great Britain declared war on the Netherlands in December, 1780, to end that nation's role as a neutral supplier of the rebels. The involvement of the world's foremost colonial powers--England, Spain, France and Holland--cast the shadow of war across four continents. The hazard of conflict existed in Europe, North America and the Caribbean Islands, Africa and the Asian sub-continent, India.

Before 1775 those in England and America who aimed at a middle way short of war and separation identified their goals and themselves with something they called the English constitution. The ties between colonies and Great Britain still seemed strong enough to bind together those who shared

ancient political traditions, a common language and allegiance to the throne of Great Britain. When war came in 1775 men of goodwill on both sides of the Atlantic still pursued the will-o'-the-wisp of reconciliation and reunion through direct appeal and negotiation. Now, in 1778, however, the efforts to end the American conflict moved away from the traditional Anglo-American channels into the labyrinths of international diplomacy. The war's expansion after 1778 entangled the war aims of the North American colonies for independence with the international rivalries of the European powers. Conciliation no longer was only the concern of London and the colonies; it became the interest of diplomats in Madrid, Paris, St. Petersburg and Vienna as well.

Spain, an incongruous ally to a colonial rebellion, was the origin of the first mediation effort in 1779. The Spanish ultimatum to Great Britain, offering its good offices to mediate the differences between Great Britain and its colonies, as an alternative to Spanish involvement, was designed, of course, to produce rejection by the British.¹ The terms outlined by Spain are worth noting since they remained essentially the basis of all succeeding mediation initiatives over the next two years. The proposed foundations for the mediation were de facto recognition of

¹ Bemis, The Diplomacy of the American Revolution, p. 83.

American independence by Great Britain during the negotiations and a long term truce uti possidetis or stand still cease fire. For its good offices in this mediation, Spain would be pleased to accept Fortress Gibraltar from a grateful Britain.²

Britain's flat refusal to consider such a bargain offered Spain the opportunity to declare it had been forced into the conflict by Britain's action. The already planned French-Spanish Armada against England sailed to its summer rendezvous with futility, but not before bringing home to Britons the frightening realization of their vulnerability in fighting a naval war both in North America and Europe. The success of the combined French and Spanish fleets in eluding the British fleet off Plymouth as well as the rumors of French and Spanish landings in England during the summer of 1779, were to have an ultimate impact on the shape of English diplomacy.³

It was Spain again which initiated the possibilities of ending the now international war and resolving the American problem through mediation in 1780. Spain's reward for bringing to a close what more and more appeared that year to be a stalemated war in both Europe and America was naturally Gibraltar. England, despite its success in

²Ibid., p. 84.

³Morris, The Peacemakers, pp. 37-40.

capturing Charleston, South Carolina, in May, 1780 was interested in ending an increasingly heavy drain on its resources and manpower--if it could be done without loss to the Empire. It did not contemplate a gift of the stature and significance of Gibraltar to Spain or independence for America.

Thus came about the diplomatic mission of Richard Cumberland, playwright and government functionary, and Thomas Hussey, Irish priest, to Spain as agents of Lord Germain, the American Secretary. Spain's proposal for resolving the American war was close to its earlier ultimatum to Great Britain. That is, a long-term truce uti possidetis accompanied by direct negotiations between England and its colonies at the European peace conference. The basis for the negotiations as outlined were approximately those of the Carlisle Commission proposals or in today's terms, dominion status. Britain's outright refusal to consider cession of Gibraltar to Spain for equivalents of any sort brought the preliminary discussions to a halt.⁴

At the Court of America's first European ally, France, there were also efforts at finding peace in 1780. At the center of the intrigue was the Director General of Finances, Jacques Necker. Necker used his role as the financial head

⁴Bemis, The Diplomacy of the American Revolution, pp. 105-106.

of the French government to urge Comte Maurepas, the French premier, toward a negotiated peace with England, by abandoning his commitments to America in the interest of rescuing France from an increasingly desperate financial situation. Indirect communication between Necker and North via the London banker, Thomas Walpole, continued into October. Then, King George III put a finish to further encouragement of the incipient negotiations by refusing to participate "whilst the House of Bourbon made American independency an article of their propositions"5

Another Necker intrigue to remove France from the war via a truce and some sort of division of America was also in operation in other channels during the summer of 1780. The English envoy to Sardinia, Viscount Mountstuart, met his one-time tutor, Paul-Henri Mallet, while vacationing from his post in Turin at Geneva. Mallet had been prepared for his contact by a series of meetings in Paris with Necker. Although the proposed peace terms were never specified in detail by Necker, it was suggested that one province in America might be granted its independence while the remainder of the colonies returned to their former relationship to Great Britain. Mountstuart passed along these and other hints of French desires to end the war to Lord Hillsborough,

⁵Morris, The Peacemakers, p. 97.

the foreign minister, in London. It was the King in November, 1780 who again halted possible peace negotiations with a flat refusal to negotiate with France so long as that nation aided the former colonies in their rebellion.⁶

These failures did not discourage other European nations from pursuing mediation of what was an international war inextricably tangled with Anglo-American differences. Russia launched its mediation effort in December, 1780 presenting proposals to the three European belligerents, France, England and Spain. In the months that followed each of the three nations maneuvered to shape the peace proposal to its own ends or to delay action when that was in its interest. By May, 1781 the Russian mediation suggestion had been re-shaped into a new plan transmitted to the three European belligerents. It was now a co-mediation by Catherine, Empress of Russia and Joseph, the Emperor of Austria. The proposal called for a peace congress in Vienna with direct but separate negotiations between England and America in the same city. However, the participation of Austria and Russia or the belligerents in the Anglo-American discussions was only to take place when requested. In addition, the separate settlement between Great Britain and its colonies would not be valid unless it was signed in conjunction with a peace treaty among the European powers at war.

⁶Ibid., p. 103.

Finally, there was to be a general armistice for a year to enable the congress to meet in Vienna.⁷

The co-mediation collapsed in June, 1781 with Britain's flat refusal to negotiate with its colonies under the auspices of an international peace conference. "The mediators were reminded of the King's 'immutable resolution' not to permit any interference by foreign powers with his rebellious subjects."⁸ The French, stiffened by John Adams' refusal to accept any other role at Vienna than that of a sovereign, independent nation, likewise declined the co-mediation. The Spanish were also disinterested--there was no stipulation concerning the cession of Gibraltar!

If America's allies demonstrated less than an eagerness to pursue the war at all costs in 1780 and 1781 by their involvement in a series of abortive peace efforts, so too did England suffer from the same malaise. The failure to achieve a decisive victory in America and the growing expense of a global war produced disaffection with the idea of a never-popular conquest of the colonies. David Hartley estimated the military and naval expenses of five years (1775-1780) of war in America at £71,875,000.⁹ Hartley

⁷ Ibid., pp. 173-174.

⁸ Ibid., p. 185.

⁹ David Hartley, An Address to the Committee of the County of York on the State of Public Affairs (London, 1781) p. 6.

declared Britons had suffered losses of another £30,000,000 through increased taxes, the fall in stock prices and the destruction of the colonial trade as well as merchant marine losses to privateers.

Piled atop the burdens of the American War for Great Britain, was a disastrous situation in Ireland, where trade restrictions were reducing the population to starvation. The effectiveness of the North Ministry in prosecuting the American war was sharply criticized both in and out of Parliament. The system of pensions, sinecures, fees and commissions by which those who purchased or were given government posts and then enriched themselves came under the fiercest attack. Associations of freeholders were formed throughout England and Scotland to bring before Parliament a barrage of petitions demanding financial and electoral reforms. The Association movement brought together a variety of individuals seeking redress over grievances, all of which seemed to have been exacerbated by the American War and the accompanying international conflict in which Britain found herself entangled.

David Hartley, a member of Parliament from Hull, and a consistent spokesman for conciliation with America, expressed many of the fears Britons felt after five years of unsuccessful war. Hartley, speaking before the Committee of the County of York, the Association unit in that locality,

in January, 1781, looked back to the events of 1780. He outlined the reasons for unrest in England--corruption in government, high taxes, the stalemated American War, England's diplomatic isolation and his perception of the growing threats to England's economy.

"But, believe me," Hartley told his York listeners, the greatest of all evils now, and that which requires instant remedy, is the American war: A war which has had its rise in pride and now derives its nourishment from corruption; a war which, from contracts, perquisites, and exorbitant emoluments, may, perhaps, find advocates both in parliament and out of it; but which, I trust, will receive every constitutional opposition from the justice and disinterested wisdom of the county of York and other associated counties. If some stop be not put to the American war, according to the unanimous resolution of the county of York, all your views of public reformation will come too late; you will, alas! have no country to save.¹⁰

Hartley pointed out that ending the American War was the key to England's problems. Resolutions demanding Parliament to act toward this end had already been endorsed by the County of York Association meeting on March 28, 1780, and by the County of Cambridge Association on April 10, 1780.¹¹ The American War as Hartley and others saw it in the fifth year of conflict had clearly become a no-win situation for Great Britain. Even a decisive British victory and an America forced into submission to British rule held no charms for Hartley.

¹⁰ Ibid., p. 44.

¹¹ Ibid., p. 25.

. . . it would only be the commencement of our difficulties. The whole force of this country would then be bound down to America for ever. To maintain the conquest of such a country in reluctant subjection, 3000 miles distant, and 1500 miles in its own extent, would require, I believe I might venture to say, the whole force of Europe; but would certainly exceed the extremest powers of Great Britain. In such a case the House of Bourbon would have completely gained their end . . . but if they could once see the whole force of Great Britain bound down and fixt to the continent of America . . . A new war would emerge upon us even out of our supposed victories . . . and perhaps brought home with terror and dismay to our own defenceless gates.¹²

For the sake of argument Hartley examined the possibility of a voluntary surrender and submission to British rule by the rebellious colonies, a development he saw as highly unlikely. Even this possibility left England threatened with the likelihood of a future test of strength with either Spain or France or both joined in alliance with the restive Americans. Indeed, as Hartley looked at England's position at the beginning of 1781 the view was gloomy.

We have not a single ally in the whole world, and every man's hand is lifted up against us. A little cloud arose in the West, at first no bigger than a man's hand, it has already cast its gloom over the horizon of our glory, it is spreading over our heads with darkness and dismay . . .¹³

The Hartley solution was

That some kind of conciliation must take place at some period or other is most certain, because war

¹²Ibid., p. 32.

¹³Ibid., p. 45.

cannot be eternal. But for the terms, I fear, we cannot expect them now to be such as those which have been formerly offered to this country by the unanimous petitions of America, and . . . rejected with disdain. The only rule which we have hitherto seemed to follow, has been to refuse the terms which might have been had at each particular time till it become too late, and then to contemplate the effects of our folly and passion with regret I believe that the wish to see America released from their engagements with France, and to re-unite that country in friendship and affection with ourselves, is much closer to the heart of the people of Great Britain, than the desire of recovering any reluctant dependance from them hereafter.¹⁴

The stumbling block to conciliation that Hartley so deeply desired in order to save England from domestic travail and diplomatic hazards was that dreadful word "independence." He wished it " . . . could be removed, or even tacitly dispensed with."¹⁵ But the hard facts remained for Hartley and for the Ministry to grapple with in the turmoil of 1780. "Perhaps," Hartley suggested,

the simple concession of independence to America, an act of generosity and free grace, at the period of their approaching maturity, and flowing from ourselves, might not have met with much reluctance in a wise, a liberal and a magnanimous people; it might at least, have rescued the honour of this country in the present fatal contest. But our Ministers have cut off this retreat from us, and that concession which might have been an act of choice, their conduct has rendered an action of compulsion.¹⁶

¹⁴ Ibid., pp. 36-37.

¹⁵ Ibid., p. 37.

¹⁶ Ibid., p. 41.

Even so, Hartley as a long-time advocate of conciliation and reunion came to the conclusion that

. . . the only way, therefore, to defeat the effect of the French alliance with America, and "to accomplish a reunion with that country upon just, honourable and beneficial terms" is to proceed henceforward with sincerity, and conciliatory measures toward America¹⁷

Hartley as an M.P. from 1774 to 1780 earned a reputation among his fellow members as a dull, verbose speaker. "Wraxall says, 'His rising always operated like a dinner bell.'"¹⁸ Nonetheless his perception of the Ministry's predicament was incisive. The volatile mixture of domestic discontent, the American war and the ominous isolation of England in European affairs had boiled over in Parliament early in 1780 in Opposition attacks on the Ministry. These reached their peak in John Dunning's motion "That it is the opinion of this committee that the influence of the Crown has increased, is increasing, and ought to be diminished."¹⁹ The King's efforts to dump Lord North as his First Minister and build a new Ministry including some of the Opposition met with rejection. The Opposition, headed by Lord Rockingham wanted a complete change in men and policies, not a token role in a coalition Ministry. As Hartley and others saw

¹⁷Ibid., p. 43.

¹⁸Leslie Stephens and Sidney Lee, eds., The Dictionary of National Biography (22 vols. London 1950 1885).IX, 68.

¹⁹Morris, The Peacemakers, p. 74.

it, the Ministry had led the nation into a quagmire from which there was no escape.

The spark which ignited the frustrations into a violent explosion was an inoffensive measure intended to relax the anti-Catholic strictures of English law. Hopefully, its passage would earn support of the war against Spain and France from English Catholics and discourage immigration to America of Irish tenant farmers. The law had passed both Houses of Parliament without a division. But opposition fanned by Protestant clergymen and a member of the House of Lords, George Gordon, resulted in demands for the law's repeal. Riots in Scotland against Catholic residences and chapels broke out. Gordon, as President of the Protestant Association of England, organized a London mass meeting of his supporters for June 2, 1780 to deliver a petition of repeal to the House of Commons. More than 60,000 joined Lord Gordon in marching on Parliament, and the mob quickly got out of hand. For the next eight days London was terrorized as gangs attacked Catholic homes and chapels, suspected supporters of the bill granting Catholics more freedom and anyone who opposed their looting and burning. Prisons were thrown open and destroyed and the Bank of England attacked before troops finally brought the riots to an end. Casualties amounted to about 800, and property damage ran in the hundreds of thousands of pounds.²⁰

²⁰ Ibid., pp. 78-83.

The shock of the Lord Gordon riots and the suspicion that they had been instigated either by the Americans or the French and Spanish produced an outpouring of support for the threatened Ministry. In its aftermath came the news of the surrender of American forces besieged at Charleston. A swift call for a general election followed, and the North Ministry emerged with a slight majority in the House of Commons. For both King George III and Lord North, the election appeared to support their views that the war in America must be pursued to a successful conclusion.²¹ This in turn contributed to the rejection of French and Spanish peace overtures and to the rejection of the efforts of Austria and Russia to re-establish a peace in Europe and America through their co-mediation at a Vienna peace congress.

But even those who supported the North Ministry in its prosecution of the American war to a victorious end anticipated some form of reconciliation before reunion. Joseph Galloway had been forced to leave Philadelphia when British forces evacuated that city in 1778. Now in London in 1780 his thoughts turned to means of successfully bringing the war to an end and re-establishing the relationship between Great Britain and America on a new basis.

A host of reasons pushed Galloway to his belief ". . . that this is a critical moment which Government ought to

²¹Ibid., p. 87.

embrace for establishing that system of polity in the colonies which will hereafter secure them to Great Britain."²²

Galloway was confident that the loyalists in America and those Americans who had taken neither side in the conflict were ready to entertain new proposals for reunion. The American government under Congress was, in his opinion, a patchwork of failures.

It is confidently asserted by Gentlemen(e) whose long residence in America has afforded them every means of information, and whose veracity stands unimpeached, that not one fifth part of the people of America has at any period, supported from choice the American rebellion.²³

Galloway also pointed out that "Seven thousand provincials are actually serving in our Army."²⁴ Americans, he said, had seen

. . . the contempt with which every petition had been received, and every remonstrance rejected; and looked forward to the time, when under the administration of men in whom they could confide, and upon the adoption of measures they might have seen equitable, the Americans would revoke this declaration.²⁵

There was every good reason from Galloway's standpoint for reunion and an accommodation of American grievances by Great Britain. The value of the American colonial trade to

²²Joseph Galloway, Historical and Political Reflections on the Rise and Progress of the American Rebellion (London, 1780) p. 116.

²³Joseph Galloway, Considerations Upon the American Enquiry (London, 1779) p. 14.

²⁴Ibid., p. 15.

²⁵Ibid., p. 8.

Great Britain, the dangers of a continuation of the Franco-American alliance to Great Britain, the possibility of the loss of other British colonies in North America--Canada, the West Indies and the Bahamas and finally the importance of America's naval stores as a bulwark of Great Britain's sea-power were all solid reasons in Galloway's eyes for the Ministry to take the initiative in seeking reconciliation.

Galloway admitted the earlier reconciliation attempts had failed.

. . . our failure hitherto has been owing to very gross mismanagement; and that though from their public and formal acts it may appear otherwise, yet the people of America are favourable and friendly to our cause; and there is every reason to hope for future success from wise and vigorous measures.²⁶

Whatever may have been the reasons that no adequate propositions, no terms which could lead to a more constitutional union between the countries, have been settled in British councils, and tendered to the Americans it is certainly high time, after a four years military contest, that it should be done.²⁷

Despite the appeals of men like Galloway and Hartley, British policy turned its back on conciliation as a domestic program. Diplomatically, Britain also rejected the offers of peace and mediation which stirred among America's allies and Europe's neutrals. Encouraged by the success at Charleston in May, 1780, Britain looked forward to military

²⁶ Galloway, Historical and Political Reflections on the Rise and Progress of the American Rebellion, p. 55.

²⁷ Ibid., p. 131.

and naval campaigns of 1781 as the final steps to victories which would shatter the rebellion and bring the colonists to terms as well as drive the French from the West Indies.

The gamble failed at Yorktown in October, 1781. The hint of disaster came earlier with the loss of Pensacola to Spain in May, 1781. And Yorktown was followed quickly by the recapture of St. Eustatius and San Martin in the West Indies by the French in November, 1781. The French also seized Demararra and Essequibo in January, 1782, and picked off British-held San Cristobal, Nevis and Montserrat in February, 1782. This string of British disasters was completed with the surrender of Minorca to Spain in February, 1782.²⁸

An angry opposition in Parliament was waiting after the Christmas recess. Not even the removal of the American Secretary, George Germain, would satisfy those members determined to bring down the North Ministry and end the American War. The critical measure was a motion in Commons February 27, 1782 by General Conway, declaring as enemies of the King and nation any one attempting to carry on offensive war in America. The motion also granted permission for introduction of an enabling act authorizing the King to make peace with the Colonies. Conway's motion carried by nineteen votes, a clear indication that the mood of Parliament

²⁸Bemis, The Diplomacy of the American Revolution, p. 192.

and perhaps the nation had shifted.²⁹ Not until March 20th did Lord North notify the King of his unswerving determination to resign. In its final weeks, the North Ministry sent agents to Holland, and to France to attempt to split off America's allies with hints of terms more generous if they would abandon the Americans. John Adams at The Hague was also approached by a British agent suggesting a truce.³⁰ But before these feelers moved beyond the opening stage their instigator, Lord North, was out of office, and a new Ministry took over the peace negotiations.

The high ground of the watershed of 1778 had been passed, and by the end of 1781 the new trend had become clear enough for all to perceive. Events were moving in a different direction, and new men were at the helm of British policy.

²⁹ Morris, The Peacemakers, p. 253.

³⁰ Ibid., pp. 256-257.

CHAPTER V

NEGOTIATIONS--THE LAST CHANCE FOR RECONCILIATION

The fall of the North Ministry on March 20th made abundantly clear one central fact: the mood of Parliament and perhaps the nation in the Spring of 1782 demanded peace. No matter that British forces still held the key ports of Savannah, Charleston and New York. In addition, they had the capability to conduct raids in force outside these strong points--though perhaps at considerable risk of irreplaceable losses of manpower and materiel. Seven years of warfare, however, had demonstrated British inability to control any widespread area in the Colonies over an extended period. Britain's sea power was stretched perilously close to the breaking point around the world. She stood alone in Europe. The need for peace was written in bold letters for all to see.¹

But the shape and details of peace both with the colonies and their European allies were less clear. Much of what would be written into the final treaty between Great Britain and America remained to be determined by elements

¹Vincent T. Harlow, The Founding of the Second British Empire (2 vols., London, 1952), I, 223.

beyond the grasp of the American negotiators. The King's stubbornness, Whig ambitions for power, the demands for domestic reform in England and struggles for power among Whig politicians all had an impact on the negotiations. To this potpourri of conflicting forces must be added the personalities of those who held office under George III, especially William Petty, the Earl of Shelburne.

There is no doubt that Shelburne was the King's choice and the King's agent in the peace negotiations. Nonetheless, the events of 1782 were guided to a considerable extent by Shelburne's own conceptions of the American past and present, but most definitely by his perceptions of America's future role and its relationship to Great Britain. This perception of the American future by Shelburne changed to accommodate the developments of 1782 as the negotiations unfolded in Paris and military events strengthened Britain's position. Three subtly but distinctly different strategies emerge in Shelburne's scheme of peace-making. The first demonstrated Shelburne's belief that America would accept an autonomous role within the framework of the British Empire. It was a position consistent with Shelburne's earlier declarations before assuming his ministerial role. These had certainly contributed to the esteem with which he was held by the King.

As the colonial response to the autonomy plan showed its failure, Shelburne swung to acceptance of American independence with the retention of some sort of Federal alliance between the two nations. "Independence" in the usage of 18th century England did not carry all of the same connotations that it does to 20th century Americans. We have already seen that American independence in the view of one Englishman, John Cartwright, was compatible with a "Grand British League and Confederacy"² providing a defense and trade umbrella covering both England and America.³ Thus, "independence" in terminology of the 18th century did not necessarily mean sovereignty. During the middle period of the negotiations this kind of framework appeared to be Shelburne's objective.

Finally, Shelburne came to sense the impossibility of an immediate political reconciliation between the colonies and Great Britain. His efforts shifted to a settlement which would assure that America did not become a French satellite, including a commercial treaty to guarantee continued Anglo-American trade and a hope that the generosity of the peace terms coupled with trade would lead to a future Federal Union between the two great Atlantic powers. The

²Cartwright, American Independence, the Interest and Glory of Great Britain, p. 1.

³Ibid., p. 63.

treaty of peace which he largely fashioned was intended to encourage and accelerate the formation of a future transatlantic grand alliance or federal union.⁴

Shelburne was a key member of the Rockingham Ministry, a strange melange of political viewpoints and personalities. The aged and ailing Lord Rockingham, leader of the opposition Whigs, was its nominal head as First Lord of the Treasury. Shelburne's post was Secretary of State for Home, Colonial and Irish Affairs, and presumably, resolution of the American problem would fall within the scope of his responsibilities.

Shelburne had indeed been the King's first choice to succeed North, but his support in Parliament was much too small to sustain him in the Prime Ministership. Nonetheless, the King chose to consider Shelburne as Prime Minister de facto, and would deal with Rockingham only jointly with Shelburne or through Shelburne.⁵ Shelburne thus because of his Cabinet assignment, and because of the King's reliance upon him became a key figure in directing the negotiations for peace and in shaping British policy.

Why Shelburne? The question is an important one because of the role he was to play in the American peace

⁴Harlow, The Founding of the Second British Empire, Empire, p. 228.

⁵Ibid., p. 225.

treaty. The Dublin-born Shelburne was known to support the idea of a strong monarchy, a position which commended him to George III.⁶ In addition, he had spoken out on numerous occasions in Parliament against independence for America while at the same time supporting American rights. His background knowledge on American affairs included serving as Colonial Secretary in Chatham's Ministry and as President of the Board of Trade in the Grenville Ministry. Thus, he had some claim of expertise in American affairs as well as having enjoyed ". . . cordial relations with Benjamin Franklin and other prominent Americans" ⁷ These were attributes obviously needed in resolving the problems England faced in the post-Yorktown months of 1782. On the other hand, his reputation as a domestic reformer was less radical than that of some Whigs who pressed for changes in Parliamentary representation and curtailment of the King's authority.

In brief, in a choice between evils, Shelburne appeared to the King to be the lesser, a man who might still pull out of his box of tricks one that would spare the King his crowning humiliation.⁸

But Shelburne brought to his task of peacemaking some grave political liabilities. He had been accused of

⁶Morris, The Peacemakers, p. 257.

⁷Harlow, The Founding of the Second British Empire, p. 226.

⁸Morris, The Peacemakers, p. 257.

deception so frequently, he had earned the nickname, "the Jesuit of Berkeley Square." And as mentioned earlier, his personal following in Parliament was small.⁹ Within the Cabinet he faced a fierce personal and political rivalry with Charles James Fox, who held the post of Secretary of State for Foreign Affairs. Fox blamed Shelburne for bringing about the removal of Fox's father from the lucrative office of Army paymaster some years earlier. The Fox-Shelburne rivalry quickly generated the first issue of the American negotiations. Who was responsible for undertaking the peacemaking--Fox or Shelburne? Each had a claim to leadership and each had a different approach to the question.

When the Rockingham group took office on March 27, 1782, it appeared that Fox would be in charge of negotiations. A Minute of Cabinet March 30th recorded Cabinet agreement to evacuate British troops from Savannah, Charleston and New York immediately.¹⁰ This step, had it been taken, would have been a de facto grant of independence to the colonies, and placed the peace negotiations in Fox's sphere of foreign affairs. Fox argued that as Secretary for Foreign Affairs he would direct the negotiation of peace

⁹Ibid., p. 260.

¹⁰Fortescue, Correspondence of King George III, V, 435.

treaties with all the sovereign nations at war with Great Britain. Since a state of war clearly existed between Great Britain and her former colonies in North America, establishing a peace with them was a logical extension of his responsibilities. To assure his role--and necessarily to eliminate Shelburne's--Fox proposed an immediate grant of independence to the American colonies. This would be followed by a quick peace treaty, and the end of American participation in what had become a global war. A crack in the Franco-American alliance would be made. Britain freed from the burden of the American War would then be in a position to negotiate better terms of peace with its other enemies, France, Spain and Holland. The forever unanswered question will be: was Fox's plan motivated by his personal rivalry with Shelburne? Or did events simply fan the flames of the natural antagonism between the two men?

Shelburne obviously had a contrasting approach to the peace negotiations. He argued that independence should be granted to the Americans only as the first condition of a peace treaty. The initial Rockingham proposal for evacuating the key American seaports seems to have died primarily because of Shelburne's alternative plans. The belief grew that Shelburne sought a new relationship between England and America short of independence.¹¹ His position as

¹¹ Morris, The Peacemakers, p. 260.

Colonial Secretary, and his known views on America as well as his insistence on controlling negotiations appeared to support this position. His previous speeches in Parliament had clearly established his opposition to independence, but granting to Americans many of the privileges they asked for. As a follower of Lord Chatham and a supporter of the Empire he had spoken out against a final break between England and the Colonies.

In a major address on the American question in April, 1778, Shelburne told the House of Lords, ". . . he was fully convinced that America was not lost."¹² He went on to point out that acceptance of the idea of American independence could only lead to future loss of Canada, the West Indies and the Bahamas. "America must obtain justice and security, and whatever difficulties may arise to obstruct it, I have no doubt but she may be again happily reunited to Great Britain," he added.¹³ Later in November of the same year, Shelburne emphasized to the House of Lords, "A real union must be formed upon the plan of the British constitution"¹⁴

Shelburne's ideas for the future were not, however, confined to considerations of immediate expediency. He was deeply convinced that the British Constitution (purged and reformed) was the surest guarantee of

¹²Parliamentary History, XIX, 1032.

¹³Ibid., p. 1052.

¹⁴Ibid., p. 1310.

liberty and had, moreover, a universal validity; a proposition which on the second count still awaits final determination. Conscious of the gigantic potentialities of the North American continent, he considered that the abandonment by the Thirteen Colonies of a balanced monarchical system of government and their consequent decline into "democratical" republicanism and probable anarchy would be a major catastrophe. On the other hand, the colonization of a continent under free ordered government, and directed by a completely autonomous American authority, linked to Britain by allegiance to a common Crown, would mean the growth of a great transatlantic society, practising and guaranteeing for its parts political and economic freedom.¹⁵

Further indications of Shelburne's position come from a letter written by one of North's agents to John Adams, "Lord Shelburne is the only new minister suspected of not wishing to go the length of declaring American independence."¹⁶ On the other hand, John Norris in his biography of Shelburne declares the idea of reconciliation was shared by other Cabinet members.

Shelburne has been pictured as the lone liberal champion of the idea of federal union. But the truth is that it was a popular idea among the members of the new Ministry in the spring of 1782 and by no means peculiar to Shelburne.¹⁷

Norris gives as his source the London General Advertiser of June 14, 1782.

Dualism of policy had been a hallmark of the North Ministry, and the Rockingham team quickly established its

¹⁵Harlow, The Founding of the Second British Empire, p. 228.

¹⁶Morris, The Peacemakers, p. 260.

¹⁷John Norris, Shelburne and Reform (London, 1963) p. 167.

own adeptness at this tactic. Faced with two rival Ministers, each determined to pursue differing methods of bringing the American War to an end, the Cabinet permitted each to proceed simultaneously. It was further evidence of Rockingham's inability to direct affairs as well as the special position Shelburne held in relation to the King. Further, the Cabinet in its modern sense did not exist in 1782. Each Minister operated his department as a separate unit and was responsible directly to the King rather than a Prime Minister.¹⁸ So both Shelburne and Fox, each in his own way, sought the road to peace with America.

Even before news of the North Ministry's fall reached Paris, Franklin seized a convenient opportunity to write directly to Shelburne. Writing as an old friend, Franklin hinted at American desires for peace, and expressed his continued friendship and admiration for Shelburne. The letter's arrival provided Shelburne the opening he needed in his power struggle with Fox. With Cabinet concurrence he dispatched a representative, Richard Oswald, to Paris to meet and sound out Franklin. Simultaneously, Henry Laurens, former President of the Continental Congress and also an American Peace Commissioner, though a British prisoner, was granted parole from the Tower of London and sent to The

¹⁸Harlow, The Founding of the Second British Empire, p. 223.

Netherlands to test the peace possibilities with John Adams, another American Peace Commissioner. Adams was also Minister to The Netherlands on behalf of Congress. The Laurens-Adams talks seemed to indicate an inflexible American position on independence. But Richard Oswald's report of his meetings with Franklin were more promising to Shelburne's reconciliation gambit.

Oswald, an elderly Scottish merchant, appears to be a strange choice for the diplomatic mission at hand. Yet he had been carefully selected for a number of reasons. He was a long-time acquaintance of Shelburne, who had met him through the economist, Adam Smith. He had lived in America as a young man, and still owned property there. He was sympathetic to the American cause, but hopeful that the Colonies would agree to a status short of independence. In short, his political thinking as it related to America seemed close to Shelburne's. And since some sort of commercial agreement appeared essential to bringing about Shelburne's new Anglo-American relationship, Oswald, as a merchant trader and American businessman seemed to have the knowledge required. Moreover, by age, personality and background he appeared more likely to establish a cordial relationship with Franklin, then England's best chance for peace, than any other available agent.¹⁹

¹⁹Bemis, The Diplomacy of the American Revolution, p. 194.

Oswald reached Paris on April 12th. His mission was to sound out Franklin on the possibility of a separate peace between England and America. Franklin quickly established that France and America would work jointly for a peace. To hammer home that point, Franklin and Oswald visited Vergennes at Versailles on April 17th. Vergennes reiterated Franklin's stand that a general peace negotiated with all belligerents was the only course acceptable to France.

However, before Oswald returned to London, Franklin met privately with Shelburne's emissary. Franklin's purpose as he relates it, was to ". . . draw out something of the Mind of his Court on the Subject of Canada and Nova Scotia."²⁰ Franklin's suggestion that Great Britain voluntarily cede Nova Scotia and Canada to the new United States as a gesture of friendship and to forestall future conflicts has been viewed by most historians with some amazement. Such a step had no endorsement from the French from whom Franklin concealed his proposal. Bemis suggests Franklin's role in the abortive attempt to capture Montreal and Quebec in 1775-76 ". . . had the result of fixing Canada as a quest in Franklin's subtle mind."²¹ Morris is equally puzzled at Franklin's proposal.

²⁰ Smyth, The Writings of Benjamin Franklin, VIII, 469.

²¹ Bemis, The Diplomacy of the American Revolution, p. 197.

It is inexplicable that the principal proponent of diplomatic unity with the French ally would entrust to an enemy's hands a document revealing that America was prepared to accept territory whose acquisition by the United States France had long opposed, and make such a proposal behind the backs of his good friends in the French Ministry.²²

But Franklin's perplexing proposal was indeed something both ". . . curious and significant" ²³ Franklin, putting his ideas before Oswald, stressed that "his Nation seem'd to desire Reconciliation with America; that I heartily wish'd the same thing" ²⁴ Should Britain continue to hold Canada, Franklin added that the hazards ". . . would necessarily oblige us to cultivate and strengthen our Union with France." ²⁵ At Oswald's request and after a little delay, Franklin gave to Oswald a copy of his "Notes for Conversation" on Canada and the reasons why it should be voluntarily ceded to the former British colonies, now called the United States.

Franklin's arguments repeated the theme that "By the late Debates in Parliament, and publick Writings, it appears that Britain desires a Reconciliation with the Americans." ²⁶ As for reparations, Franklin suggested,

²² Morris, The Peacemakers, p. 264.

²³ Harlow, The Founding of the Second British Empire, p. 248.

²⁴ Smyth, The Writings of Benjamin Franklin, VII, 470.

²⁵ Ibid.

²⁶ Ibid., p. 471.

. . . But would it not be better for England to offer it? Nothing would have a greater Tendency to conciliate, and much of the future Commerce and returning Intercourse between the two Countries may depend on Reconciliation. Would not the advantage of Reconciliation by such means be greater than the Expence?²⁷

He added,

But on the Minds of people would it not have an excellent effect, if Britain should voluntarily offer to give up this Province; tho' on these Conditions, that she shall in all times coming have and enjoy the right of Free Trade thither, unincumbered with any Duties whatsoever; that so much of the vacant Lands there shall be sold, as will raise a sum sufficient to pay for the Houses burnt by the British troops and their Indians; and also to indemnify the Royalists for the Confiscation of their Estates?²⁸

Franklin was aware that Oswald and the man he represented, Lord Shelburne, were identified with a group ". . . who looked to an expanding partnership between British manufacturer and American pioneer as being in the best interests of both."²⁹ Thus his proposal was a shrewd test of the sincerity of British appeals for reconciliation. It was a signal from Franklin to Shelburne of his willingness to pursue reconciliation and a warning that reconciliation meant making America the sole agent of Anglo-American authority in North America, not a subordinate partner. This would be the

²⁷ Ibid., p. 472.

²⁸ Ibid.

²⁹ Harlow, The Founding of the Second British Empire, p. 248.

only guarantee of British objectives Americans could recognize and accept. For it would remove once and for all British military power from the American continent. The idea of free trade further suggests a test of English willingness to bring Americans within the scheme of Empire navigation regulations, and to re-establish trade between England and America on these principles. If indeed Lord Shelburne's emissary carried a message of conciliation, Franklin opened wide the doorway to the future. From an American standpoint these were the terms which would make it possible for a restoration of the Anglo-American relationship as Franklin saw it. Oswald responded that ". . . nothing . . . could be clearer, more satisfactory" ³⁰ At least, Oswald offered no immediate objections to Franklin's ideas, asking for a copy of his notes and carrying them back to Shelburne in London. Perhaps, at no time was reconciliation so close to realization as it was in the first meeting between Oswald and Franklin.

Laurens' visit to Adams at Haarlem on April 15th produced less encouraging news than Oswald brought back. It appeared that America's peace commissioners were agreed that a peace settlement arrived at in concert with America's allies was the only basis on which they would undertake

³⁰ Smyth, The Writings of Benjamin Franklin, VIII, 473.

negotiations. In addition, Adams seemed much less responsive to English approaches than was Franklin. For the stubborn Adams demanded British recognition of American independence as a precondition to even starting negotiations. This was more than the tactful Franklin had asked in his meetings with Oswald.

Shelburne was hopefully probing for the channel through which the Colonies could still be retained as a part of the Empire.

In Shelburne's mind the American and the Irish problems were both "imperial" and were closely associated. His handling of the Irish demand for independence in 1782 was on parallel lines to his approach to the American Commissioners in Paris. But the self-government for America and Ireland within the Empire which he strove to establish would have approximated in degree, if not in form, to that enjoyed by the British Dominions in 1914--with the addition of an Imperial Zollverein and a "Free trade" connection between the British group and one or more foreign powers.³¹

The Cabinet on April 23rd agreed that Oswald should return to Paris. He was directed to meet with Franklin to designate Paris as the site of future negotiations and set up a schedule of meetings. But Oswald was given no authority to enter into negotiations with Franklin. He was

. . . "to represent to him [Franklin] that the principal points in contemplation are the allowance of independence to America, upon Great Britain

³¹Harlow, The Founding of the Second British Empire, I, 232.

being restored to the situation she was placed in by the Treaty of 1763."³²

Does the word "independence" indicate that as early as April 23rd Shelburne had already abandoned autonomy in favor of full American sovereignty? There is considerable doubt that Shelburne or Whig politicians attached the same connotations to "independence" which Americans did then or now. George III writing to Shelburne on another matter April 12th listed among the terms on which the Rockingham Ministry took office. "No veto to the Independence of America."³³ Still the King persisted in a hope until much later that America would accept less than full sovereignty.³⁴ The word as used clearly lacks precision, and its meaning ranged from independence in local government to full sovereignty.

A further indicator of this interpretation is the fact that the same April 23rd Cabinet meeting set in motion instructions to Sir Guy Carleton, now commander of British military forces in America, and to Admiral Robert Digby, naval commander, to seek a truce. Both Bemis and Morris view Carleton's appeals to Washington, to Congress, and finally to the public as an attempt to by-pass the American

³² Morris, The Peacemakers, p. 268.

³³ Fortescue, Correspondence of King George III, V, 452.

³⁴ Morris, The Peacemakers, p. 286.

Peace Commissioners. ". . . Lord Shelburne did not overlook the chance of separate peace negotiations with the 'Provinces' on American soil."³⁵ "Notwithstanding the fiasco of the Carlisle Commission to Congress in 1778, he [Shelburne] decided to make another direct appeal to Congress and the American people."³⁶

There is also the possibility, elaborated by Morris, that the Carleton-Digby efforts were a part of Shelburne's plan of reconciliation with America on terms short of independence. "As if to emphasize his personal involvement in the fate of this mission, Shelburne dispatched his private secretary, Maurice Morgann, to join Carleton in New York."³⁷ But Morgann's reports to Shelburne offered no encouragement for any restoration of imperial relationships between America and England.

Fitzmaurice, Shelburne's biographer, sees the messages Carleton and Digby were directed to convey to Washington and to Congress in a somewhat different light. It was an effort to husband British resources for the war still in progress in other theaters. The British hoped as well to discourage the Americans from launching attacks on the remaining British garrisons in New York, Charleston and Savannah, and to

³⁵Bemis, The Diplomacy of the American Revolution, p. 201.

³⁶Morris, The Peacemakers, p. 268.

³⁷Ibid., p. 269.

insure that the negotiations in Paris were not jeopardized by American support of French or Spanish campaigns in the summer of 1782. There was no intention, Fitzmaurice believes, of by-passing the American Peace Commissioners in Paris or seeking terms of less than independence from Congress. Shelburne's instructions were at least ambiguous. "You must therefore convince them," Shelburne wrote to Carleton and Digby, "that the great object on this country is, not merely peace, but reconciliation with America on the noblest terms and by the noblest means."³⁸ Whatever the true purpose of the Carleton-Digby proposals, they failed to ignite any interest in America. General Washington passed on Carleton's proposals to Congress, which refused to consider a truce or any other negotiations while the Peace Commissioners in Paris remained charged with that duty.

Oswald returned to Paris on May 4th. On May 8th he was joined by Thomas Grenville, representing the Secretary for Foreign Affairs, Fox. The duel between Shelburne and Fox over control of the American negotiations had begun in earnest. This rivalry was encouraged by Franklin's skillful hints that Grenville's commission was incomplete and inadequate for the American peace negotiations.³⁹ When the Enabling Act authorizing the King to undertake peace nego-

³⁸ Fitzmaurice, The Life of William Petty, Earl of Shelburne, II, 135-136.

³⁹ Morris, The Peacemakers, p. 276.

tiations with the Americans finally cleared Parliament on June 17th,⁴⁰ Shelburne moved ahead with a commission for Oswald as the negotiator. Fox responded with a demand for Oswald's recall, which was overruled by the Cabinet. On June 30th, in a Cabinet meeting Fox deliberately challenged the Shelburne position with the proposal that American independence should be granted with or without a peace treaty. The Cabinet voted down his plan, and Fox resigned.⁴¹ A day later Lord Rockingham died, a victim of the influenza epidemic sweeping Europe. The King quickly offered the post of First Lord of the Treasury to Lord Shelburne on July 2nd.⁴² The American negotiations were now completely within control of the English leader who had conspicuously advocated reconciliation and reunion both as a member of the Opposition and the Administration.

Fears that Britain's use of the word "independence" did not coincide with their own grew in the American Peace Commission in Paris, now increased by the arrival of John Jay from Madrid. Franklin recorded in his "Journal of Negotiations for Peace" on June 27th a warning from French intelligence of English efforts to ". . . stir up the People

⁴⁰Ibid., p. 280.

⁴¹Ibid.

⁴²Harlow, The Founding of the Second British Empire, I, 261.

to call on Congress to accept those Terms, they being similar to those settling with Ireland."⁴³ And writing to Benjamin Vaughan on July 11th, Franklin quotes from Vaughn's earlier May 11th letter a reference to "'a proposed dependent State of America which you thought Mr. Oswald would begin with.'"⁴⁴ Franklin also told Vaughn,

It is now intimated to me from several quarters, that Lord Shelburne's plan is, to retain the sovereignty for the King, giving us otherwise an independent Parliament, and a government similar to that of late intended for Ireland. If this be really his project, our negotiations for peace will not go very far.⁴⁵

Franklin also recognized Shelburne's belief in a continuing Anglo-American relationship and his desire for reconciliation. ". . . Though Lord Shelburne might formerly have entertained such an idea, he had probably dropped it before he sent Mr. Oswald here" ⁴⁶ Franklin wrote in the almost certain knowledge his words would reach Shelburne via the gossiping Vaughn.

Thus, July, 1782 appears to mark an end to the first phase of Shelburne's plan for reconciliation and reunion. Franklin's signal of willingness to proceed had carried a

⁴³ Smyth, The Writings of Benjamin Franklin, VIII, 555.

⁴⁴ Ibid., p. 565

⁴⁵ Ibid., p. 566.

⁴⁶ Ibid.

price, Canada, which was beyond the political realities in Parliament. The soundings at Haarlem, and at New York via Digby and Carleton had been negative. On the other hand, Shelburne's rival, Fox, had been eliminated from the Cabinet, and with Rockingham's demise, Shelburne was in full control of the negotiations.

In Paris on July 10th, Franklin delivered to Oswald his ideas of the four necessary articles and four advisable articles for inclusion in the pending peace treaty. The four necessary items were

. . . Independence full and complete in every sense, to the Thirteen States settlement of the boundaries; . . . confinement of the boundary of Canada freedom of fishing on the banks of Newfoundland and elsewhere⁴⁷

Franklin's advisable articles were indemnification of Americans for property damage caused by the war; admission of war guilt by the British; the United States to enjoy the same trade rights in England and Ireland as English subjects; and finally cession of Canada.⁴⁸ The emphasis and detailed definition Franklin placed upon the first necessary article of the peace terms, independence, is a clear indication of how critical this issue had become. Obviously, the American negotiators recognized the

⁴⁷ Bemis, The Diplomacy of the American Revolution, p. 207.

⁴⁸ Ibid., pp. 207-208.

differences in interpretation placed upon this word. In addition, Franklin firmly broke off further talks with Oswald the next day pending a clarification of the British interpretation of independence.⁴⁹

To Oswald's quick pleas for clarification of the British position and intentions on independence, Lord Shelburne responded in a letter dated July 27th. He also enclosed a copy of his earlier instructions to Carleton and Digby in America, showing his moves there to bring about a truce were directed toward American withdrawal from the war and discouraging her further efforts on behalf of France and Spain. Shelburne's instructions to Oswald pledged ". . . the most unequivocal acknowledgement of American Independency" ⁵⁰ Shelburne promised a commission authorizing Oswald to conclude a treaty with the Americans on the basis of ". . . the Independency of the Colonies" ⁵¹ Having made these firm declarations, Shelburne once more added an ambiguity for which he became notorious:

You very well know I have never made a secret of the deep concern I feel in the separation of countries united by blood, by principles, habits and every tie short of territorial proximity That it shall be done decidedly, so as to avoid all

⁴⁹ Morris, The Peacemakers, p. 293.

⁵⁰ Ibid., p. 294.

⁵¹ Ibid., p. 295.

future riske of enmity, and lay the foundation of a new connection better adapted to the present temper and interests of both countries My private opinion would lead me to go a great way for Federal union; but is either country ripe for it? If not means must be left to advance it⁵²

When his commission arrived on August 6th Oswald was further adjured ". . . to do everything in his power to prevent the United States from entering into a binding connection with any other power."⁵³ He was also urged ". . . to propose an unreserved system of naturalization as the foundation of a future amicable connection" ⁵⁴

Oswald's letter on independence from Shelburne and his later instructions illustrated his changing view toward America. Instead of reconciliation within the Empire, America was to be linked to Great Britain by a possible federal union or through a form of dual citizenship of its residents. Both terms defy definition and Shelburne never presumed to provide more precise meaning to them. They are evidence, however, of his efforts to find the path which would continue some kind of relationship between Great Britain and its former colonies. It is clearly a different path than his earlier efforts sought. But it continued the

⁵² Fitzmaurice, The Life of William Petty, Earl of Shelburne, II, 169.

⁵³ Ibid., p. 170.

⁵⁴ Ibid.

concept of reconciliation which might ultimately lead to genuine reunion between Great Britain and America.

So far as the actual treaty terms, Shelburne's letter of July 27 committed him only to Franklin's four necessary articles--independence, abandonment of any British claim to territory north of the Ohio added to Canada under the Quebec Act, and granting to America of fishery rights off Newfoundland.⁵⁵ Franklin's advisable articles were dismissed as unacceptable. The sticking point, however, was Oswald's commission, which referred not to the United States by name, but to

. . . any commissioner or commissioners, named or to be named by the said colonies and plantations, or with any body or bodies, corporate or politic, or any assembly or assemblies, or descriptions of men, or person or persons whatsoever . . . or any part or parts thereof.⁵⁶

The wording of Oswald's Commission may have been a deliberate attempt to test the unity of the American Commissioners and their allies. More likely it was shaped by British reluctance to grant anything which could be construed as independence for America in advance of a binding agreement for peace. For Shelburne's intention--indeed, Fox's too--had been to reach a peace settlement with America or with her European allies separately so as to strengthen

⁵⁵Morris, The Peacemakers, p. 295.

⁵⁶Ibid., p. 296.

Britain's hand in dealing with whichever were the remaining belligerent forces. John Jay's angry rejection of the Oswald commission without explicit recognition of America's status as a nation when contrasted to Franklin and Vergennes' acceptance signalled what England and Shelburne had been waiting for--a split among the Allies.⁵⁷ Suddenly, in late August Franklin became seriously ill; for the foreseeable future the negotiations would be in the hands of Jay, who had already clashed with Vergennes as well as America's other ally, Spain.

John Jay was the crack in the Franco-American alliance, and the question presented to Shelburne was how best to exploit it. Earlier events limited his options. Parliament in February had voted an end to offensive warfare in America. He could not seek a quick peace with the European belligerents, and then turn on America. Peace with America had to come first. Thus, on August 23, 1782 the Cabinet authorized the dispatch of reinforcements to Gibraltar, then besieged by a joint French-Spanish force.⁵⁸ Five days later Shelburne presented to Cabinet his plans for peace with America. The British strategy of reconciliation and reunion entered its third and final phase. After a day

⁵⁷ Harlow, The Founding of the Second British Empire, I, 277, 283.

⁵⁸ Fortescue, Correspondence of King George III, VI, 113.

of hesitancy the Cabinet agreed ". . . to offer generous terms to the Americans including a compromise on independence."⁵⁹ Shelburne's cabinet agreed the basis for peace would be Franklin's four necessary articles. In addition, Oswald's instructions as determined by the Cabinet ". . . permitted him to waive stipulating by treaty for payment of prewar debts owing British merchants as well as for compensation to the Loyalists."⁶⁰ These terms did not reach Oswald in Paris until September 4th. Meanwhile two days earlier, Jay produced a solution to the deadlock over the wording of Oswald's commission describing the American plenipotentiaries. Jay proposed to Oswald the phrase "the Thirteen United States of America," as the designation for the American Peace Commissioners' constituency.⁶¹ Franklin concurred in the change, and Oswald wrote to request the rewording. The Cabinet with some reluctance approved the change on September 18th. The tempest over the wording of Oswald's commission seems strange in light of Shelburne's letter to Oswald for Franklin in April. Then Shelburne had said

⁵⁹ Morris, The Peacemakers, p. 317.

⁶⁰ Ibid., p. 318.

⁶¹ Ibid., p. 335.

. . . on our part commissions will be moved, or any character given to Mr. Oswald, which Dr. Franklin and he may judge conducive to a final settlement of terms between Great Britain and America.⁶²

Britain's terms as stated in Oswald's August 29th instructions sketched in outline form Shelburne's American policy; peace, independence without client status to any nation, encouragement to Americans to look westward to the vast undeveloped interior of western America and the possibility of close commercial ties which could conceivably lead to reunion at some distant date.⁶³ The logic behind the final stage of Shelburne's reconciliation plan was simply that generous terms of the Americans coupled with a commercial treaty might accomplish the reunion which could not be achieved through negotiation at Paris. It was a policy consistent with every position Shelburne had declared earlier as a member of Lords, and as Colonial Secretary in the Rockingham Ministry when he sought to re-establish the Anglo-American relationship through direct political ties.

Accomplishment of Shelburne's plan was to prove more difficult. The Cabinet's August 29th instructions to Oswald had been agreed to only reluctantly by the Lord Chancellor, Edward Thurlow, and Lord Ashburton. Since the Cabinet meeting which ratified Oswald's instructions, news had reached

⁶²Fitzmaurice, The Life of William Petty, Earl of Shelburne, II, 136.

⁶³Bemis, The Diplomacy of the American Revolution, p. 212.

London on September 30th of the total defeat of the French-Spanish forces besieging Gibraltar. The urgency for England to gain an early peace was dwindling. The pressures upon individual Cabinet members from interest groups within England were growing. If the terms of the Anglo-American peace treaty were to be built largely upon Franklin's four necessary articles large and vocal segments of the British public might be angered. These included those with holdings in America confiscated by the rebels, merchants owed debts by Americans, Canadian traders, the refugee Loyalists who had fled to England or other English colonies and the hard-core colonialists in England opposed to all things American.

The political climate in London had cooled significantly from what it had been in late August by the time the draft of a preliminary treaty written by Jay and agreed to by Oswald reached London on October 11th. Not only did the proposed Treaty follow Franklin's four necessary articles, it also provided for reciprocal free trade between America and the British Empire--exempting only the Hudson's Bay and East India monopolies.⁶⁴ In line with Shelburne's expressed concept ". . . that it shall be done decidedly, so as to avoid all future risk of enmity . . ." the boundaries were

⁶⁴ Morris, The Peacemakers, p. 347.

generous.⁶⁵ The future United States was to extend westward to the Mississippi, despite the efforts of its allies, France and Spain, to limit it to the Allegheny-Appalachian line. Fishery rights on Newfoundland were also established in the draft treaty.

When the Cabinet met on October 17th it found the proposed treaty unacceptable from several standpoints. It was impossible to grant reciprocal free trade rights to the American nation by treaty without the prior passage of enabling legislation by Parliament. Thus, Oswald was directed to remove any language about commercial reciprocity, and propose that commercial matters be postponed to subsequent negotiation. The Cabinet insisted that Americans recognize and promise to pay their prewar debts to English merchants. The Newfoundland fishery rights were viewed skeptically and Oswald told drying rights on Newfoundland and Labrador could not be granted. Finally, there was the question of compensating Loyalists in America for their loss of property through confiscation and riot, Oswald was directed to use a demand for the Old Northwest Territory (north of the Ohio River) or for an enlarged Nova Scotia as a lever to gain something for the Loyalists. ". . . He

⁶⁵ Fitzmaurice, The Life of William Petty, Earl of Shelburne, II, 169.

should state Your Majesty's right to the Back Country and urge it as a means of providing for the Refugees"66

For Shelburne time was running out. Parliament was scheduled to meet on November 26th, and he needed a treaty in hand before that date. The remaining issues--fisheries, debts and Loyalists--were in no instance critical to his concept of peace, but each individually had the potential for blocking the ratification of the treaty in Parliament.⁶⁷ Two more drafts passed between Paris and London. The King was persuaded to prorogue Parliament until December 5th to allow the negotiators a few more days in which to try to find agreement. The final compromise reached on November 29th adjusted the fishery to a liberty rather than a right.⁶⁸ The Americans agreed that Congress would recommend to the states restitution of Loyalist property and a cessation of future confiscations.⁶⁹

The treaty in its final draft was still fundamentally Franklin's four necessary articles and Oswald's August 29th instructions from Shelburne. The final critical session on the fisheries, debts and Loyalists had done nothing to

⁶⁶ Fortescue, Correspondence of King George III, VI, p. 144.

⁶⁷ Harlow, The Founding of the Second British Empire, I, 290.

⁶⁸ Bemis, The Diplomacy of the American Revolution, p. 261.

⁶⁹ Ibid.

alter the overall objective of Shelburne's diplomacy-- reconciliation and ultimately reunion. True, the framework within which his plans would operate had changed. From initially a simple grant of legislative autonomy to the North American colonies, Shelburne adjusted his plan to political realities on both sides of the Atlantic. Federal union or common citizenship had also been tested and was found unacceptable. The final plan--generous terms and a proposed swift move to restore commercial ties which might lead to ultimate reunion--had succeeded.

Shelburne hated the idea of separation. For him it was something vicious and unnatural, a failure that would gravely injure both societies. They came of the same stock; they represented the same culture; and their destinies were inexorably interwoven. As he saw it, America could not deny her heritage of Anglo-Saxon institutions without disaster to herself By means of parliamentary, administrative and fiscal reforms, he set himself to provide the Anglo-American association of the future with a "new deal." Meantime, he reluctantly accepted separation as unavoidable and endeavored to establish interim conditions that would facilitate and not impede the process of reconciliation.⁷⁰

Not only had the progress toward peace between England and America been shaped by Britain's policy of reconciliation and reunion, so too had the terms itself felt its impact. But one major element of the policy remained unresolved--the restoration of commercial ties between Great Britain and its former colonies.

⁷⁰Harlow, The Founding of the Second British Empire, I, 311.

CHAPTER VI

RATIFICATION, COMMERCIAL NEGOTIATIONS AND THE END OF RECONCILIATION

If legend and tradition contain a germ of truth, it was a foggy, gray Thursday, December 5, 1782 when George III made his grim announcement of American independence in the speech opening Parliament's fall session. Reportedly the last King of America hesitated as if choking before he uttered the despised word "independence."¹ Once he had overcome his initial repugnance, the King was able to articulate the peace objectives of the First Lord of the Treasury, the Earl of Shelburne. These aimed at ". . . an entire and cordial reconciliation with those colonies."² "Religion, language, interests, affections," the King told his listeners in Westminster, "may and I hope will yet prove bonds of permanent union between the two countries; to this end neither attention nor disposition on my part shall be wanting."³

Shelburne in December, 1782 could look back on a major diplomatic triumph--bringing the Americans to terms in what

¹ Morris, The Peacemakers, p. 412.

² Parliamentary History, XXIII, 206.

³ Ibid., 207.

appeared to be a politically acceptable peace treaty. He still faced the prospect of winning ratification in Parliament where he had never commanded a substantial personal group, and where he could claim no party following. In addition, he faced the task of achieving acceptance of a major revision in England's trade policy toward America and the world by revamping the Navigation Acts. This would be essential before a commercial treaty could be negotiated and the ties between Great Britain and her former colonies restored. "The peace treaty," as Shelburne saw it, "could thus be a first step leading to a rapprochement; at the least, to friendship and commercial alliance, and perhaps in the end to some form of political association."⁴

In accomplishing both steps, Shelburne faced major hazards. Never a charismatic figure nor even a skillful politician, Shelburne had also acquired numerous enemies in his career. They ranged from Charles James Fox, his rival for power in the Rockingham Ministry to Viscount Keppel, First Lord of the Admiralty, who had resigned from Shelburne's cabinet at the first word of the preliminary terms. Shelburne faced a Parliament which included men who had suffered financially from his Administrative reforms, who feared his zeal for electoral change and who were prepared

⁴Harlow, The Founding of the Second British Empire, I, 234.

to cling to the comfortable patterns of trade under the Navigation Acts. But above all Shelburne carried the burden of responsibility for ending the American War. From hindsight, North, Germain, Stormont and all the others who had found victory or reconciliation on Ministry terms so elusive from 1775 onward suddenly discovered in Shelburne the source of all of their failures. If only he had continued the war instead of seeking peace, their policies might have been vindicated.

When the terms of the American as well as the French and Spanish treaties were revealed to Parliament on January 27, 1783 the onslaught against Shelburne began. Loyalists, Canadian fur traders and fishery interests commenced an outcry over what they viewed as unnecessary concessions to Americans which had damaged them. As Shelburne had foreseen, the greatest protests arose from the Loyalists and their friends. They ignored the promise implicit in the King's opening speech

. . . I trust that you will agree with me, that a due and generous attention ought to be shown towards those who have relinquished their property or professions from motives of loyalty to me, or attachment to the mother country.⁵

Instead, the Loyalists focused on their anticipations of what would happen to Congressional recommendations to the

⁵Parliamentary History, XXIII, 206.

states on property restitution and ending prosecutions. Franklin's son, William, former royal governor of New Jersey, was a leader among the American exiles in London opposed to ratification of the Shelburne treaty, and insistent upon Parliamentary recognition of Loyalist claims.

The Earl of Carlisle, one-time head of the American Peace Commission in 1778, led the attack on Shelburne in the House of Lords on February 17th. Carlisle claimed the boundaries as drawn would insure the virtual loss of all Canada. He decried the abandonment of the Indian tribes which had served the King loyally in the war, and deserved protection from the colonists. He ridiculed the treaty provision by which Congress was to make recommendations to the states in favor of the Loyalists. He pointed out there was not the slightest assurance the states would ever comply with this provision. The loss of Penobscot, he added, would cost Great Britain its vital supply of masts for merchant and naval vessels. The Canadian fur trade had been dealt a death blow by the surrender of the forts which protected both the trade and the loyal Indians since these posts were located south of the lakes on territory soon to become American soil. So far as the free navigation of the Mississippi was concerned, it was a worthless concession by the Americans in light of the Canadian fur trade situation. In short, Great Britain, he charged, had not only

granted independence to its colonies, it had made needless additional concessions to the rebellious colonials and had nothing to show for them in exchange.⁶

Shelburne answered the accusations of betrayal of the American Loyalists with a reiteration of the promise in the King's message in opening Parliament, and defended the treaty terms.

I have but one answer to give the House; it is the same answer I gave my own bleeding heart. A part must be wounded that the whole of the Empire may not perish. If better terms could be had, think you My Lord, that I would not have embraced them? I had but the alternative either to accept the terms proposed or continue the war.⁷

Shelburne's overall defense of the American treaty remains baffling. He chose not to outline his scheme of reconciliation and reunion, the plan for a close commercial tie between the two nations and ultimate political association at some future date.

A full exposition of the Peace Treaties as a first instalment of revolutionary changes in imperial and commercial policy was obviously impracticable. To justify the generosity of the American Treaty on the ground that it would induce the "revolted Colonies" to enter a new form of association which would enable them to compete on level terms with British citizens throughout the Empire, would have⁸ provoked explosion of contemptuous indignation.

⁶Ibid., 377.

⁷Ibid., 411.

⁸Harlow, The Founding of the Second British Empire, 441.

So instead he was forced to hint somewhat indirectly at the implications of free trade, a concept his listeners most likely understood only dimly. The weight of his arguments defending the terms of the American treaty had to rest almost wholly upon England's exhausted financial condition, and upon the weakness of that nation's defense posture in 1782.⁹

Shelburne went as far as he well could, denouncing monopolies, urging Britain's essential interest in free trade as a growing industrial nation, and pleading in particular that the Americans should be dealt with "on the footing of brethren." But, inevitably, there was something missing: the argument was inconclusive.¹⁰

A more complete and convincing argument in support of the treaty appeared in pamphlet form shortly. Its author, Andrew Kippis, argued,

It behooves those who made it, to recommend themselves to the public by promoting the principle of it, whether in or out of Government. These are a cordial intercourse with North America; a well-grounded hope of returning affection, and then of returning union; and the universal freedom of commerce. It becomes those who objected to the peace equally to adhere to these principles.¹¹

Despite the weakness inherent in Shelburne's own exposition of his views in support of the American Treaty, he won a

⁹Morris, The Peacemakers, p. 421.

¹⁰Harlow, The Founding of the Second British Empire, I, 441.

¹¹English Historical Documents (18 vols. London, 1957) X, 733.

test of strength in the House of Lords by a thirteen-vote majority of February 18, 1782.¹²

In Commons, Shelburne's aides were less successful in defending the treaty terms. The first blow came on February 18th when the House, following the lead of John Cavendish who accepted the peace and American independence as necessary but claimed the concessions to America were extravagant, voted down the Address of Acceptance on the treaty, 224-208.¹³ Cavendish resumed the attack on February 21st with five new motions on the American Treaty, including one censuring the Ministry for its unnecessary concessions, and another pledging compensation to the American Loyalists by England. Cavendish charged, "The concessions made to the adversaries of Great Britain . . . are greater than they were entitled to" ¹⁴ The motion in favor of the American Loyalists stated ". . . that this House do feel the regard due from this nation to every description of men . . . and to assure His Majesty that they shall take every proper method to relieve them" ¹⁵ On the crucial question of censure Shelburne's forces went down to defeat, 207 to 190, in the early morning hours of February 22nd. Two days

¹²Parliamentary History, XXIII, 411.

¹³Ibid., 490.

¹⁴Ibid., 503.

¹⁵Ibid.

later on February 24th, Shelburne submitted his resignation to the King.¹⁶

The first steps toward American reconciliation and reunion, a peace treaty with generous terms and its ratification, had been accomplished. But the cost had been high. Ratification had come only by the slenderest of margins and under circumstances which boded ill for the continuation of this policy. Its chief architect was no longer in office with the resignation of Shelburne. The question now was by whom and through what agencies was the remainder of the program to be pursued?

The strange combination of two old and bitter enemies, Lord North and Charles James Fox, joining forces to bring down Shelburne was a precursor of what was to come in the next Ministry. From the end of February until early April, the King sought desperately to find some other--any other--acceptable Cabinet leadership with sufficient support in Parliament. In the end he had to accept the Fox-North duo, technically a Ministry headed by the Duke of Portland, who in actuality took no active role in the Government.¹⁷

The interim between Shelburne's resignation and the King's grudging acceptance of the Fox-North Ministry

¹⁶ Ibid.

¹⁷ Harlow, The Founding of the Second British Empire, p. 431.

extended nearly seven weeks. It was during this interlude that a key part of the Shelburne reconciliation plan, amendments to the Navigation Act, which would have permitted Americans a special status in Empire trade, were introduced and debated in Parliament.¹⁸ The bill would have authorized ". . . American produce for the time being to enter British ports on the same footing as British-owned, while treating American ships carrying such produce as those of other foreign states."¹⁹ It would have also opened up trade between British colonies and islands in America to American shipping on the same terms as if the ships and cargoes were British owned.²⁰ While the bill was proposed as an interim measure, it was an essential part of Shelburne's plan to restore the trade between England and America, and to assure that this commerce was not lost to England's continental rivals, especially France.²¹ The bill had no organized support because of Shelburne's earlier resignation. The Ministers who might have supported it were simply caretakers awaiting the King's decision in selecting new Cabinet

¹⁸ Ibid., p. 451.

¹⁹ Morris, The Peacemakers, p. 429.

²⁰ Harlow, The Founding of the Second British Empire, p. 451.

²¹ Ibid.

leadership. And there were dedicated foes waiting to attack this plan of Shelburne's as they had the American Treaty.

The debate, March 7th, in Commons, found two of America's one-time advocates--Burke and Fox--as well as its Tory foes in opposition. William Eden, whose project for reconciliation had been the springboard leading to the Carlisle Commission, declared the proposal ". . . would introduce a total revolution in our commercial system" ²² In addition, Eden foresaw a weakening of England's maritime strength since ". . . the Kingdom would lose the great nursery for its seamen, and all the means of manning ships in time of emergency." ²³ His arguments came largely from a pamphlet produced by John Holroyd, the Earl of Sheffield, and widely circulated in England in the spring of 1783.

Sheffield's Observations on the Commerce of the American States reads in retrospect like a blustery tirade on why Britannia rules the waves. From a starting point of Britain's naval superiority over France, Sheffield moved on to claim the general superiority of British manufactured goods over those of all other nations and the inferior quality of American raw materials. Perhaps the climate of British public opinion welcomed a little bravado after

²² Parliamentary History, XXIII, 602.

²³ Ibid., 607.

the humiliation of 1775 to 1782. Sheffield viewed any concessions to encourage American trade as completely unnecessary.

Instead of exaggerating the loss suffered by the dismemberment of the empire, our thoughts may be employed to more advantage in considering what our situation really is, and what are the greatest advantages that can be derived from it. It will be found better than we expect; nor is the independence of the American States, notwithstanding their connection with France, likely to interfere with us²⁴

In short, Britain had everything going her way in the American trade. "Our remaining colonies on the continent and islands, and the favourable state of English manufacturers, may still give us almost exclusively the trade of America" ²⁵ Also Sheffield pointed out the weakness of the United States as a trade rival operating under its loose Articles of Confederation, predicting Congress would be unable to control American shipping. Canada, peopled by American Loyalists and British settlers and blessed with a stable government, would provide the provisions, lumber and other goods required by the West Indies colonies which had formerly come from the United States. America would also be dependent upon Great Britain to finance its tobacco

²⁴ John Holroyd, Observations on the Commerce of the American States (London, 1783) p. 101.

²⁵ Ibid., p. 77.

trade and thus England would continue to call the tune in the only significant import required from America.²⁶

In only one respect did Sheffield perceive America as a threat to British commerce. The United States is not, he wrote

. . . likely to interfere with us so essentially as has been apprehended, except as to the carrying trade, the nursery for seamen, and that it is in our power to prevent in a considerable degree
We must therefore retain the carrying trade where-
ever we possibly can.²⁷

It was Sheffield's suggestion that the Barbary pirates with encouragement from Great Britain would be sufficient to discourage American inroads into the British carrying trade in the Mediterranean, and that the Navigation Acts as they stood would guarantee the North Atlantic and West Indies trade to Great Britain. For Sheffield, Britain's strength was her maritime supremacy, and the carrying trade the assurance of its source of future manpower. He was convinced ". . . that the principle of the Navigation Act, must be kept entire, and that the carrying trade must not in any degree be given up."²⁸

Suddenly, the trade restoration between America and Great Britain became the center of a controversy involving

²⁶Ibid., p. 118.

²⁷Ibid., p. 101.

²⁸Ibid., p. 121.

Britain's fear of France and Franco-American maritime power.

Eden and Sheffield would have made little headway if they had been merely championing the cause of ship-builders against merchants. The remarkable change in public opinion which they and a few others achieved was due, not to economic argument, but to an emotional appeal, the emotion of fear.²⁹

Parliament referred the bill to Committee whence it emerged no longer recognizable.³⁰ One of Shelburne's major efforts toward reconciliation and reunion--the restoration of commercial ties--was clearly in serious trouble. Meanwhile, after April 2, 1783, Charles James Fox as Foreign Secretary was now in complete control of any negotiations with the Americans in Paris on the terms of the definitive peace treaty, and the re-establishment of trade relations between England and America. Oswald was promptly replaced by David Hartley, a member of Parliament from Hull and an advocate of American reconciliation. Hartley reached Paris on April 24th. His instructions directed him ". . . to treat for opening of British and American ports for mutual commerce, and for trade arrangements based upon reciprocity."³¹ However, the specifics were a little less than

²⁹ Harlow, The Founding of the Second British Empire, p. 457.

³⁰ Ibid., p. 458.

³¹ George Guttridge, David Hartley, M.P. (Berkeley, 1926) p. 305.

reciprocal in character. The British proposal contemplated the raw produce of America would be admitted into Great Britain just as if the Thirteen States were still colonies. In return, the manufactured products of Great Britain were to enter the United States on the same basis. So far as the West Indies were concerned, the British plan would have permitted Americans to have participated in that trade only when carrying American produce to those Islands.³²

The American Commissioners in Paris were suspicious of Hartley's mission and its sincerity of purpose from the outset. On presenting his Commission to the Americans, they immediately pointed out it was not under Seal. This was ultimately rectified three weeks later.³³ Despite these concerns, the American Commissioners submitted to Hartley on April 29th proposals that ". . . the rivers, harbors, and ports of both countries, including areas under the dominion of Great Britain, be opened to the citizens of the other."³⁴ This was reciprocity as the Americans understood it, but not as Hartley had been directed to negotiate. Hartley forwarded the American proposal to London, incautiously indicating his approval of these ideas. Within two weeks he had

³²Harlow, The Founding of the Second British Empire, pp. 461-462.

³³Guttridge, David Hartley, M.P., p. 306.

³⁴Morris, The Peacemakers, p. 431.

a reply from Fox stating " . . . that you have either not attended to or have misunderstood my Instructions" ³⁵ For Hartley's information Fox included a copy of an Order in Council issued May 14th in London which limited American exports to England to " . . . unmanufactured goods, or merchandizes, being the growth or production of . . . the United States." ³⁶ The American Commissioners reacted angrily to this style of reciprocity which discriminated against American manufactured goods. From the English standpoint these limitations were reasonable. American manufactures were insignificant, but such a provision " . . . might enable foreign goods, which were either prohibited or liable to heavy duties, to be passed off as American, thus giving rise to innumerable frauds." ³⁷ American trading habits were well known to British officialdom as a result of colonial experiences.

In spite of these disappointments, Hartley and the American Commissioners continued meeting, Hartley suggested another plan to Fox on May 22nd. This would have re-established Anglo-American trade relations on the same terms

³⁵ Harlow, The Founding of the Second British Empire, p. 467.

³⁶ Francis Wharton, editor, The Revolutionary Diplomatic Correspondence of the United States (Washington, D.C., 1889) VI, 428.

³⁷ Harlow, The Founding of the Second British Empire, p. 462.

which prevailed in 1774 before the Revolution. As proposed this would have opened the West Indies trade to America with minor limitations, and generally permitted American ships to enter British ports on the same terms as British ships with reciprocal privileges for English ships in American ports.³⁸

The American Commissioners demanded to know if Hartley had the authority to enter into such an agreement, should it be acceptable to them.³⁹ He admitted he would still have to win Fox's and the Cabinet's approval of his plan, and agreed to attempt it. Fox's response directed Hartley to proceed, but it was filled with warning signals. The United States must be barred from the carrying trade between the West Indies and Great Britain, Fox emphasized. He also ". . . stressed the point that Britain had already granted to the Americans special privileges which were denied other nations" in the tobacco and rice trade through the June 6th Orders in Council.⁴⁰

Another draft agreement was sent to London on June 20th. The Americans were increasingly suspicious of Hartley's proposals which they accepted, but came back from

³⁸Ibid., 469.

³⁹Guttridge, David Hartley, M.P., p. 310.

⁴⁰Harlow, The Founding of the Second British Empire, p. 473.

London rejected.⁴¹ "In a word, it appears that his full powers, which he had then received, authorized him to do nothing," Henry Laurens reported to Philadelphia on June 17th.⁴² John Adams was equally pessimistic in his evaluation, writing to Secretary Livingston on June 23rd, "I see no prospect of agreeing on any regulation of commerce here. The present ministry are afraid of every knot of merchants."⁴³ The final blow to American hopes was the Order in Council July 2, 1783, which completely barred American shipping from the West Indies trade while

. . . providing that American produce (i.e., all kinds of lumber, livestock, cereals, and vegetables might be imported into the British West Indies, and that West Indian rum, molasses, coffee, cocoa-nuts, ginger and pimento might be exported to the United States under the same regulations and duties as if exported to British North America.⁴⁴

Adams wrote bitterly, "A jealousy of American ships, seamen, carrying trade and naval power appears every day more and more conspicuous."⁴⁵ Not only were the Americans disappointed at the results of the commercial negotiations, Britain's representative, Hartley, appears to have believed

⁴¹Ibid., p. 476.

⁴²The Revolutionary Diplomatic Correspondence of the United States, VI, 503.

⁴³Ibid., 501

⁴⁴Harlow, The Founding of the Second British Empire, p. 476.

⁴⁵The Revolutionary Diplomatic Correspondence of the United States, VI, 540.

his confidence had been abused by the Ministry. "Last evening Mr. Hartley spent two hours with me, and appeared much chagrined at the Proclamation which had never been communicated to him by his principals," Adams noted to Livingston on July 17th.⁴⁶

Meanwhile, the answers to why the once promising outlook from a restoration of the Anglo-American had withered were to be found in the quiet efforts of Lord North and William Knox, former undersecretary of the American Department, to scuttle the whole idea. At North's invitation in May, Knox went ". . . to work with the avowed purpose of defeating the American policy advocated by the Foreign Secretary, Fox, . . ."⁴⁷ Explaining his program some six years later, Knox said:

My general and correct knowledge of the whole course of the American circuitous trade enabled me to judge in what part of the chain the cutting out a link would most effectually interrupt its progress and divert the navigation into our channel. I therefore determined to . . . frame the regulations for the intercourse between the United States and British West India Islands, so as utterly to exclude the American shipping.⁴⁸

There seems little doubt that Knox was successful in his efforts. "My draught of a bill . . . 'was converted into

⁴⁶ Ibid., 557.

⁴⁷ Harlow, The Founding of the Second British Empire, p. 479.

⁴⁸ Ibid.

the Order in Council, passed the 2nd of July, 1783, which I wish may be engraved upon my tombstone, as having saved the navigation of England,"⁴⁹ Knox boasted.

Thus, Knox whose service under Hillsborough, Dartmouth and Germain in the American Department, had been based on the principle that the duty of colonies was to be ". . . subservient to the maritime strength and commercial interests of Great Britain . . ." struck a final blow at Shelburne's reconciliation and reunion policy.⁵⁰ When the July 2nd Order in Council reached Paris negotiations were suspended. There was no point in further talks. The commercial treaty languished quietly and was dead by the time the terms of the definitive treaty were signed on September 3, 1783.

In the end, reconciliation and reunion as a policy could be no stronger than the men who espoused it. Without leaders of stature--politicians tough enough to command respect--it was a rudderless ship. From the hopeful beginnings in the springtime of 1782 it had run its course. At the end of the voyage were the rocks of patriotic emotionalism based upon fear, and the political realism of clinging to mercantilism of the past.

⁴⁹Ibid., 480.

⁵⁰Ibid., 479.

CHAPTER VII

THE TREATY OF PARIS AND BRITAIN'S RECONCILIATION POLICY

Reconciliation and reunion was an option of British policy throughout the American Revolutionary period from prewar 1774 through postwar 1783. It was a less significant option of American policy as well. Throughout this thesis I have sought to document and trace this policy's evolution in these years, pulling together the scattered threads from other more frequently considered themes. Still, there remain questions for which answers must be attempted in a final evaluation of this neglected viewpoint and its impact on a major assumption in American diplomatic history.

Why did reconciliation fail? What was the significance of Britain's policy on the final terms of the Treaty of Paris? Does this policy cause a re-evaluation of the earlier assessments of the American diplomacy at Paris?

There was a surprising consistency in the reconciliation and reunion option of British policy throughout the period considered. It was always a part of every British plan of strategy though sometimes muted because of its tandem role with military and naval efforts. On occasion, in

the American Peace Commission of 1778, and again during the diplomacy of peace in 1782, the plan for reconciliation and reunion became a dominant factor.

On the other hand, despite its constancy, it is equally obvious that this policy altered shape and form to a considerable extent over the years of its existence. Lord North's Conciliatory Proposals of 1775 bear little resemblance to the offers borne by Lord Carlisle's American Peace Commission and less to Lord Shelburne's ultimate reconciliation efforts at Paris. Reconciliation and reunion evolved in response to the fortunes of war, diplomatic pressures upon Great Britain and domestic events at home. Perhaps its greatest consistency were the forces which encouraged men to pursue this policy in an effort first to prevent, and then to halt the war.

In retrospect, it seems almost incredible that men of goodwill in both America and England were unable to find the key to reconciliation. The pamphlets, diaries and Parliamentary debates of this period are studded with references to the ties which held together England and its North American colonies. Shelburne wrote of links of ". . . blood . . . principles . . . habits."¹ which united England and America. Galloway, an American, observed that ". . . the

¹ Fitzmaurice, The Life of William Petty, Earl of Shelburne, p. 169.

people of America are favourable and friendly to our cause."² The Americans steadfastly based their appeals for the repeal of distasteful Parliamentary measures or changes in Ministerial policy on their rights as Englishmen or upon what they understood to be the British constitution. Thus, it would appear an entire scheme of common traditions, political thought, language, and predominantly Protestant religious background was working in favor of reconciliation and reunion both prior to and during the hostilities.

Though men spoke of a common heritage, shared traditions and the same religious principles, there is also counter evidence of enormous differences between England and America in 1774. American institutions--political and religious--had long since begun to deviate from those in England under the pressure of New World experiences. These institutions were also influenced by the thousands of settlers from continental European nations who had joined the English colonists in North America. America was not England transplanted to another continent in either institutions, people or spirit. Scattered in small sea coast cities and in a sparsely populated wilderness, the Americans had become by 1774 significantly different from Britons.

²Galloway, Historical and Political Reflections on the Rise and Progress of the American Rebellion, p. 55.

Nor could Americans willingly accept the role of political and economic subservience in which they were cast by at least some Englishmen. Attitudes are at best imprecise. There is, however, considerable evidence which supports the statement that colonies and colonials were created as subordinate beings to serve the purposes of their creators. "From this self-evident position, that colonies can no longer be serviceable to a state, than they continue in subordination to it, we must deduce our arguments," one writer declared in 1776.³ Over and over Americans including Benjamin Franklin and all of the men who served as colonial agents in London, experienced that subtle but pervasive British condescension toward those who are of a lesser breed. King George III wrote of the knavery of Americans. Lord Sheffield ridiculed their pretension to trade. There were indeed powerful forces pushing both America and England toward reconciliation through 168 years of common background and political affiliation. They were savagely undercut by the inability of many Britons to see colonies and colonists in any other than a subordinate role.

The sinews of trade between Britain's North American colonies and home island were another factor which should have been a considerable force for reconciliation and

³Anonymous, Considerations on the American War (London, 1776) p. 15.

reunion. It was the support of British merchants trading to North America which had brought sufficient pressures upon Parliament in 1766 to repeal of the Stamp Act. When the final crisis came in 1774-1775, the one-time supporters of the American viewpoint were disinterested.

The merchants' interest in American affairs and the influence they could exert in behalf of the colonies had waned. As Burke noted, the commercial communities opposed to North's Administration "have not been much regarded," while the "manufacturing parts of the Kingdom" urged that "the reduction by force of the disobedient spirit in the Colonies is their Sole security for trading in future with America."⁴

As the war progressed the value of the North American colonies as trading partners continued to decline. Adam Smith and others advocated American independence as a positive benefit to British trade.

. . . I am glad, that America has declared herself independent of us, though for reasons very opposite to theirs. America, I have proved beyond the possibility of a confutation, ever was a millstone hanging about the neck of this country to weight it down,

wrote Josiah Tucker, Dean of Gloucester Cathedral, in 1783.

" . . . trade depends on Interest alone, and on no other Connection or Obligation," he added.⁵

Sheffield's pamphlet and its appeal to British patriotism was a final and devastating blow to the favorable forces

⁴Michael Kammen, A Rope of Sand, p. 305.

⁵Josiah Tucker, Four Letters on Important National Subjects Addressed to the Earl of Shelburne (London, 1783) pp. 7-9.

engendered by the trade ties between America and England. His reasoned analysis against any commercial concessions to American trade in the crucial period when the North-Fox Ministry was preparing to take over destroyed Shelburne's last move toward reconciliation. One of Sheffield's supporters summed up a feeling shared by many Britons before and after the war when he wrote, "The Colonies were originally settled to promote the navigation of England by creating a great employment of ships."⁶ In a simple, short sentence the people of America were reduced to an economic asset of the British Empire, helpful if properly subservient, but disposable if required.

Another force pressuring England's leaders toward reconciliation and reunion emerged only after the military conflict began. It was the enormous financial and human cost of conquering America--a matter which was greatly underestimated by the North Ministry at the outset. British generals from Gage to Cornwallis pleaded for adequate manpower and were forced instead to make do with German mercenaries, Indian irregulars and American Loyalists.⁷ England simply was unable to recruit adequate manpower within its own nation to fight a colonial war and a global war simultaneously.

⁶George Chalmers, Opinions on Interesting Subjects of Public Law and Commercial Policy Arising from American Independence (London, 1784) p. 93.

⁷Robson, The American Revolution, pp. 114, 115.

The financial burden for England of a stalemated, but expanding warfare both in America and elsewhere was another motivator favoring reconciliation and reunion. Hartley dubbed it, "A war which I can call by no other name than a war of Ministers against the sentiments and real interests of their country."⁸ By 1780 the war had cost the Kingdom at least £100,000,000.⁹ This meant increased taxes which the constituency represented by the country gentlemen in Parliament would have to pay. It was the desertion of this faction from Lord North which sent his Ministry down to defeat in March, 1782. But both before and after that event the costs of world-wide warfare were exerting increasing pressures for peace, and for reconciliation and reunion.

The strains introduced by the long colonial war in America also heated up pressures for domestic reforms within England's Parliamentary structure, and added to the forces of reconciliation and reunion. Government corruption, mismanagement and waste were revealed by the desperate measures necessity imposed on Lord North's administration. The rise of the County associations and the frightening Lord Gordon riots were both indications that sheer incompetence could conceivably topple the entire government structure. The

⁸Hartley, An Address to the Committee of the County of York, p. 25.

⁹Ibid., p. 6.

mismanagement of military and naval matters which cost the nation whole armies, fleets and possessions seemed to go far beyond mere miscalculation. All of these elements added fuel to the demands for reconciliation and reunion so that the nation could move to remedy its critical deficiencies at home.

Diplomatically, Great Britain by 1782 had become isolated from Europe. She was at war with America, France, Spain and Holland. On paper, at least, the nations of most of Europe were aligned against her in an armed neutrality headed by Russia. From a pinnacle of power at the Peace of Paris in 1763 Britain had slipped dangerously close to the precipice of facing a European continent united against her. At the heart of Britain's diplomatic isolation was an issue as emotional and bitter any nation has ever faced--the alliance between France and the American colonies.

It was an unnatural alliance in the eyes of many. A joining of forces between rebellious colonials and Britain's traditional continental and Catholic enemy was a vicious repudiation of all which Britain stood for. It might be comparable in today's world perhaps, to the state of Alaska declaring its independence of the United States and signing a military alliance with Japan. What made the Franco-American alliance even more frightening than the centuries of enmity across the channel was a widely held belief in the

economic potential of America. A substantial portion of the United Kingdom's maritime strength in 1776 was American-built.¹⁰ America had been a key source of British naval supplies as well as shipping. Now suddenly these former Imperial assets were to be made available to England's most powerful continental enemy. William Eden posed the fear which was the mainspring of much of the forces of reconciliation and reunion when he said the question facing Britain was

. . . whether we shall be deprived of our dependencies, be stript of our maritime power, become total and immediate bankrupts to all the world and hold a crippled trade and commerce hereafter at the goodwill and compassion of the House of Bourbon.¹¹

And if the immediate military and naval outlook were insufficiently gloomy, those who looked ahead to future American growth linked to French ambitions were even more fearful. The possibility of France supplanting Great Britain as America's trading partner added to the fears raised by contemplating the future impact of the Franco-American alliance. If there is one thread which runs through writings of contemporary Americans and Britons who labored for reconciliation and reunion, it is the weight and urgency given by all to the alliance between the rebellious North American colonies and France.

¹⁰Harlow, The Founding of the Second British Empire, p. 475.

¹¹Eden, Four Letters to the Earl of Carlisle, p. 48.

From the American standpoint the forces of reconciliation and reunion were substantially weaker than those exerted within the British establishment. They were nonetheless real. The war was essentially a military stalemate with the Americans never able to drive the enemy from their major cities and seaports. The countryside and the sea coast were always vulnerable to raids in force. The threat of Indian attack hung over the frontier. Destruction of property and livelihood was widespread. Galloway's estimate that not more than one-fifth of the Americans supported Congress from choice may have been low.¹² But it seems clear that less than a majority of the inhabitants of the North American colonies were active supporters of the rebellion. And the Franco-American alliance was a factor in America, too. It was the issue which divided Congress into pro-French and anti-French factions. For the deep emotional compulsions of traditional enmity and religion ran through the American consciousness. It moved some men like Galloway to seek reconciliation and reunion over independence.

There were also powerful forces against reconciliation and reunion from the English standpoint. A fear of the consequences of concessions to the North American colonies was widespread. The impact on the West Indian sugar islands,

¹²Galloway, Considerations on the American Enquiry, p. 14.

Canada and, even closer to home, on Ireland, were incalculable. The American example plus the dislocation of trade which resulted from the American War produced conditions close to rebellion in Ireland in 1778-1779. The result was action in Parliament in the winter of 1779-1780 to remove restrictions which had formerly applied to Irish exports.¹³ Further concessions to America could have unraveled the fabric of empire from Bengal to Bermuda. Trade losses to colonies, which might have been a powerful factor for reconciliation and reunion, were lightly felt. Through devious channels trade continued between Britain and America throughout the war.

Perhaps the most potent of all factors militating against reconciliation and reunion was the eternal optimism of the British military and naval commanders. There was always the hope that this year's campaign or next year's efforts would be the final blow, shattering the rebel armies and encouraging loyal subjects to return to their allegiance to the crown. There were successes which encouraged the British expectations--Howe's capture of Philadelphia, the rebel capital in 1777, the fall of Charleston in 1780 and the successful defense of Savannah in 1779--were all indicators pointing toward victory.

¹³Harlow, The Founding of the Second British Empire, p. 524.

In the end reconciliation and reunion failed as policy. From the American viewpoint the reasons can be summed up briefly. First and foremost the initiative for action on this policy was essentially British. Britain's actions were behind the surge of events. If Britain had offered in 1775 the terms--dominion status--which the American Peace Commission brought to the colonies in 1778, they might well have been accepted. Once the Franco-American treaty was signed, William Eden's efforts were futile.

Shelburne's sounding in 1782 were a furtherance of the same futility. Though never fully disclosed, the grand outline of a federal alliance and colonial autonomy, could well have been acceptable to a war-weary America had it been offered at the right moment in 1780. By Yorktown, or in 1782, the opportunity had slipped away.

There are other elements which made reconciliation and reunion unlikely elements in the American equation. The British Ministry had destroyed its own credibility with its dualism of policy. Coercion was combined with appeals for a return to the old allegiance. Appeals to a common heritage and ancient shared traditions were mixed with threats of punishment. Political dissension was answered with troops. Military commanders came to America empowered to both subdue and conciliate. In the process British policy became

blurred and ambiguous and uncertain. To Americans reconciliation and submission appeared to be not much different. And the advantages which might accrue to Americans through reconciliation were foreseen in greater substance through independence. War-time patriotism with its emotional claims was the final blow dealt American reconciliation and reunion.

. . . surely there is more reason to convince us that the Americans, dreading the ambitious designs of their insidious ally; destitute of the great resources of war; without men and without money; their commerce lost, their forces generally defeated, and their country ruined by the ravages and expences of the war, will see their own interest, and embrace those terms when offered which they would have accepted in the time of their prosperity,

Galloway wrote with conviction.¹⁴ His fellow Americans found otherwise.

The failure of reconciliation and reunion in Britain was in part a result of the interaction to the American response as well as a result of its own internal weaknesses of formulation and implementation. In the years before hostilities began and even prior to 1778 during the war itself, the absence of foreign intervention provided a fertile seedbed for the nurturing of reconciliation and reunion. Neither the men nor the measures were available to

¹⁴Galloway, Historical and Political Reflections on the Rise and Progress of the American Rebellion, p. 129.

make it a reality. Those who advocated it were a minority in Parliament and Great Britain. Instead there was a determination on the part of the Ministry and the majority in Parliament to pursue coercion and submission as the solution to the American problem. After 1778 the Franco-American Alliance became a monumental emotional and diplomatic road block to reconciliation and reunion.

Another aspect of the inability of the reconciliation and reunion movement to speak from strength was its identification with the reform element. Those who spoke most frequently for America were men like Shelburne, Barre, Burke, Rockingham, Chatham, Wilkes and Hartley. They were also men linked to the forces of change, to economic doctrines at odds with mercantilism and seekers for electoral reform and government efficiency. The issue of reform attached itself most closely to Shelburne and no doubt contributed to the defeat he suffered in connection with the ratification of the Treaty of Paris.

Moreover, the essence of Shelburne's Toryism was its radical quality. Not only must the constitution be reinvigorated by a reform of Parliament, but the financial and fiscal systems must be remodelled to suit the needs of a new age.¹⁵

¹⁵Harlow, The Founding of the Second British Empire, p. 408.

To be sure the strength of the reform group, which tended by and large to be composed of the same individuals supporting reconciliation and reunion with America, had its peaks and valleys. Early 1780 saw the Association movement at its zenith. It went into a decline in the general revulsion toward dissidents which followed the Lord Gordon riots in June, 1780. Again in early 1782 when Parliament halted the war in America by its vote on General Conway's motion, the reform group was strong. Reform power was ebbing by late 1782 after the spectacular naval victory over the French at the Battle of the Saints in April, 1782 and the failure of the siege of Gibraltar in September of the same year.

Perhaps one cause for the failure of reconciliation and reunion was the fact it dealt in concepts and ideas unfamiliar to eighteenth century minds. From their earliest beginnings the colonies in North America had been conceived as dependencies which added to the political and economic strength of Great Britain. Now Adam Smith was arguing that exactly the opposite was true, ". . . that under a mercantilist system Britain received nothing but loss from her control of colonies . . ." ¹⁶ Here was a refutation of a truth which generations accepted. The past and what it stands for has a stubborn way of lingering in the minds of

¹⁶ Ibid., p. 488.

men long after the circumstances of the past have vanished. The comfortable, conventional wisdom of colonial subservience expounded by William Knox and Lord Sheffield found far more willing listeners than did the novel economic doctrines of Andrew Kippis and Lord Shelburne.

What was the ultimate impact of this policy of reconciliation and reunion upon the diplomacy which produced the Treaty of Paris and American independence?

Beyond a doubt it weighed heavily in the terms of the settlement through influences exerted for several reasons. Chance, luck and some skillful maneuvering by the American Peace Commission placed the direction of England negotiations for peace in the hands of Lord Shelburne, the leading advocate of reconciliation and reunion. Charles James Fox, foreign secretary, almost succeeded in snatching the reins away from Shelburne. But even the tempting offer of independence Fox's representative, Thomas Grenville, brought to Paris in May, 1782 was not enough for Franklin to abandon Shelburne. Instead, Franklin shrewdly encouraged the rift between Grenville and Oswald, and the Cabinet conflict in England between Fox and Shelburne.¹⁷ The death of Rockingham put the exponent of reconciliation and reunion on whom Franklin was betting, in complete control of negotiations.

¹⁷ Morris, The Peacemakers, p. 279.

The Shelburne conception of peace was a generous one.

That it shall be done decidedly, so as to avoid all future risk of enmity, and lay the foundation of a new connection better adapted to the present temper and interests of both countries

were the instructions to Oswald on July 27, 1782.¹⁸ Those words succinctly sum up the grand strategy of long range reconciliation and reunion pursued by Shelburne and his emissary, Oswald.

The terms of the Treaty of Paris were as generous as Shelburne intended them to be--so generous they cost him his place in government. The terms began with the absolute independence the Americans demanded. They included boundaries which exceeded those which even America's French and Spanish allies thought reasonable.¹⁹ In a conversation with the French diplomat, Gerard Reyneval, shortly before the conclusion of the preliminary American treaty, Shelburne said,

. . . there would be little difficulty about Boundaries with the American Commissioners, providing the Article relative to the Loyalists was express'd in so comprehensive a manner as to acquit Your Majesty . . .²⁰

Of course, the articles on the Loyalists as finally written in the treaty were scarcely worth the paper on which they

¹⁸Fitzmaurice, The Life of William Petty, Earl of Shelburne, p. 169.

¹⁹Morris, The Peacemakers, p. 391.

²⁰Fortescue, Correspondence of King George III, VI, 161.

appeared so far as protecting the lives or the property of Loyalists. Finally, timing played a critical role in shaping the Treaty of Paris. Lord Shelburne's shaky position demanded that the peace treaty be accomplished before Parliament resumed in the fall of 1782 or else the whole structure of peace he was seeking to build might collapse in the fall on his Ministry.²¹ Hence there was an enormous pressure upon Shelburne's representatives to find compromises and make concessions to the Americans in an effort to bring the negotiations to a quick end.

The impact of Britain's policy of reconciliation and reunion was enormous. It established the outlines of the agreement through its conceptualization of an ultimate reunion between England and America. The specific terms of the treaty were shaped by the expectations of the reconciliation and reunion policy. The tactics of negotiation placed the British negotiators in a critically weak bargaining position in the vital final weeks when Shelburne desperately sought his final agreement before Parliament's reopening in December, 1782. All of these factors were beyond the grasp of American control. True, Franklin exploited the British policy to America's benefit by steering negotiations away from Fox, and encouraging Shelburne's representatives.

²¹Morris, The Peacemakers, p. 372.

Have American historians such as Bemis and Morris given America's Peace Commissioners at Paris more credit than their diplomatic record deserves? Before answering that question, let us recall the statements by Bemis and Morris, analyzing and praising the success of American diplomacy at Paris.

Their action was the first decisive step to loose a new nation so that their people after them might have freedom to expand The greatest victory in the annals of American diplomacy

writes Bemis.²² Morris confirms Bemis by calling the American diplomacy at Paris ". . . remarkable From beginning to end they remained unswerving on the score of obtaining both absolute independence and a continental domain" ²³ Both Bemis and Morris agree on the success of American diplomacy, and on the criteria for gauging it-- independence and territorial concessions from Great Britain.

Independence was never a serious question after the fall of the North Ministry on March 20, 1782. The Rockingham Cabinet took office on a pledge from the King he would not veto it. For a short time Shelburne explored the possibilities of independence coupled with some sort of union or alliance between Great Britain and America. By July,

²²Bemis, The Diplomacy of the American Revolution, p. 256.

²³Morris, The Peacemakers, p. 459.

1782 he had abandoned even this remote possibility for absolute independence and a future hope of reunion. Independence was no sticking point in the negotiations for either Shelburne or for Fox if events had given the negotiators' role to him.

On boundaries it is equally clear, the British were determined to make peace generously in hope of future American friendship and trade. British demands on the old Northwest Territory were intended to produce nothing more than somewhat better terms for the American Loyalists, Shelburne's own statement on that score indicates an intent to provide the new nation with spacious boundaries. These would encourage westward expansion and hopefully divert American interest from a maritime rivalry with Great Britain.

So the answer to the question of American diplomacy is clear. The pursuit of Britain's neglected policy of reconciliation and reunion leads to no other conclusion than that Bemis and Morris have overstated the case for the success of Franklin, Jay and Adams. An examination of the British side of the negotiating ledger shows as many entries as does the American. A large part of proclaimed American success reveals itself as British policy not American skill. Both British policy as well as American objectives must be

considered before a balanced picture of the Anglo-American diplomacy at the Treaty of Paris emerges in full detail.

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