

## THE RECEPTION OF THE BRITISH PEACE OFFER OF 1778

BY NATHAN R. EINHORN

THREE years after the "shot heard round the world" plunged the American colonies into the war for independence from Great Britain, General George Washington transmitted to the Continental Congress, then sitting at York, Pennsylvania, drafts of the parliamentary bills of February, 1778. If genuine, these bills represented the first sincere attempt of the English to negotiate on reasonable terms with their rebellious subjects. But the General and many members of Congress, before the British proposals were verified a few days later, believed they were "of Philadelphia manufacture."<sup>1</sup> "They are," wrote Washington, "founded in principles of the most wicked diabolical baseness, meant to poison the minds of the people, and detach the wavering at least from our cause."<sup>2</sup> Whether genuine or spurious, said one legislator, "the manifest Intention is to amuse us with a Prospect of Peace and to relax our Preparations."<sup>3</sup> Several of his colleagues, and such colonial leaders as Connecticut's Governor Trumbull, believed the bills were but an effort on the part of Britain to divide the Americans, in preparation for a new offensive. Charles Carroll, on the other hand, concluding that the ministry finally saw the impracticability of their plan to reduce the colonies, thought, as did Gouverneur Morris, that the British seriously meant to treat.<sup>4</sup>

The reconciliation bills stemmed directly from the American victory at Saratoga in 1777. A month after this catastrophe to British arms, Lord North indicated to Parliament his intention to prepare a conciliatory plan during the Christmas vacation.<sup>5</sup> Before he introduced his proposals on February 17, word arrived

<sup>1</sup> E. C. Burnett (ed.), *Letters of Members of the Continental Congress* (Washington, 1926), III (1778), 170-171, 171 n.

<sup>2</sup> W. C. Ford (ed.), *The Writings of George Washington* (New York, 1890), VI, 474. April 18, to Henry Laurens.

<sup>3</sup> Burnett, *op. cit.*, 179. Samuel Chase to the Governor of Maryland, April 20.

<sup>4</sup> *Ibid.*, 184, 199.

<sup>5</sup> T. C. Hansard (ed.), *The Parliamentary History of England, from the Earliest Period to the Year 1803*, XIX (London, 1814), 578, 592.

that the American commissioners in Paris, eleven days previously, had signed treaties of amity and commerce with France. To forestall a favorable reception in the United States for the French agreements, the drafts of the bills, not yet passed by Parliament, were sent off on February 20, on the warship *Andromeda*. Racing the English vessel across the wintry Atlantic was the French *Sensible*, Simeon Deane, bearer of the French-American treaties, passenger. The *Sensible* was the first to arrive in the colonies, on April 13, but to avoid the English men-of-war hovering off the coasts of the middle colonies, she had to put in far to the north, at Falmouth on Casco Bay. Deane had a long overland route to traverse before he reached York on May 2. The *Andromeda*, meanwhile, put in at New York on April 14, where the royalist Governor Tryon published the bills the next day and sent copies to the Americans. The copy which Washington received at Valley Forge on April 17 and transmitted to Congress the next day had been forwarded unofficially from Philadelphia.

Congress, on April 20, referred Washington's letter and enclosures to a committee of three. The two bills on which they were to report made many concessions.<sup>6</sup> By the draft of the enabling act, commissioners to be appointed by the King were granted the power to treat with any assembly or individual "they shall think meet," but any treaty resulting from these consultations would require confirmation by Parliament. The commissioners were authorized to arrange a suspension of arms and to grant pardons. Most important of all, they could suspend the operation of any act passed since February 10, 1763.<sup>7</sup> According to the copy of the second act, the King and Parliament would not impose any taxes for the purpose of raising a revenue, but might lay duties for the regulation of commerce, "such duties to be always paid and applied to, and for the use of the colony . . . in which the same shall be respectively levied. . . ."<sup>8</sup> These terms were generous, granting

<sup>6</sup> The drafts are printed in *Observations on the American Revolution* (Philadelphia, 1779), 38-40, published by order of Congress.

<sup>7</sup> This bill was passed by Parliament with only minor changes in language (18 Geo. III, c. 13).

<sup>8</sup> When passed, this bill included a provision specifically repealing the tea duty in the Townshend Act of 1767; 18 Geo. III, c. 12. Congress did not receive copies of the bills as passed or of another act (18 Geo. III, c. 11) repealing the Massachusetts Government Act of 1774 until June 6 (*post*, 15), but the gist of the last act was known from North's introductory speech. The acts as passed are in *ibid.*, 48-51.

the colonists everything they had previously demanded—except independence. Henry Laurens, President of the Continental Congress, suggested to various colonial leaders the necessity of appointing able men to meet the British envoys,<sup>9</sup> but as the commissioners had not yet arrived from England, Congress thought a cold, unfavorable attitude would wring more concessions from Mother England. On April 22, therefore, it unanimously adopted the committee report rejecting the proffered terms of peace. This statement was much bolder than many members of Congress had intended it to be. After setting forth the weaknesses and “wickednesses” of the enemy’s offer, the report, published as the “Observations” of Congress, declared that

any men, or body of men, who should presume to make any separate or partial convention or agreement with commissioners under the crown of Great Britain, or any of them, ought to be considered and treated as open and avowed enemies of these United States.

And further, the committee beg leave to report it as their opinion, that these United States cannot, with propriety, hold any conference or treaty with any commissioners on the part of Great Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or else, in positive and express terms, acknowledge the independence of the said states.<sup>10</sup>

Taking this unanimous declaration at face value, it would appear that Congress regarded the recognition of American independence as the *sine qua non* for any further discussion. In view of the conditions existing in the colonies in the spring of 1778, such action required a great amount of courage and determination. After the terrible winter at Valley Forge, the army was weary and starved, and desertions were increasing. The continental money had depreciated and prices were soaring. Although Washington shrewdly conjectured that Lord North’s propositions had their origin in “a rupture in Europe, that has actually happened, or certainly will happen,”<sup>11</sup> Congress was as yet ignorant of the alliance with France. The morale of even the most ardent supporters

<sup>9</sup> Burnett, *op. cit.*, 192, 207.

<sup>10</sup> W. C. Ford (ed.), *Journals of the Continental Congress* (Washington, 1904-37), X, 379.

<sup>11</sup> Ford, *Writings*, *op. cit.*, 488. April 21, to John Banister.

of the Revolutionary cause needed boosting. Many of the Congressional leaders, as well as Washington, feared the effect the peace offer would have on those half-hearted Americans for whom the Tories would soon be promulgating the tidings from England. Might not a reaffirmation of the principles of the Declaration of July 4, 1776, supply a needed stimulant and attract the lukewarm? Congress resolved to try. The report it issued, therefore, accepted unanimously but not wholeheartedly by all the delegates, was designed chiefly to provide effective reading alongside the conciliatory proposals in the newspapers. The delegate from Delaware, Thomas McKean, may have reflected the opinion of the majority of his colleagues when he vowed his determination never to give up independence "after so much expence of blood and treasure, whilst I have a breath to draw."<sup>12</sup> But until the French alliance was known here, independence, although less of an open question than it had been in 1776, still seemed as impossible of attainment.

A few members of Congress agreed that the report was good for America, but feared the rebuff to the expected peace envoys would be too effective. "Some of our people here," wrote Laurens later in the month, "have been exceedingly desirous of throwing abroad in addition to the Resolutions an intimation of the willingness of Americans to treat with G Britain upon terms not inconsistent with the Independence of these States or with Treaties with foreign Powers."<sup>13</sup> Laurens, who also thought complete separation from England should be the ultimate goal, had himself, early in April, questioned the possibility of attaining it.<sup>14</sup> Nevertheless, whatever their motives or line of reasoning, and regardless what other concessions the British might offer, Congress had once more presented a united front to the world.

Although the straight Whig position was accepted by the delegates at York, some of their constituents were more undecided. There is good reason to believe that James Wilson was then ready to give up the struggle for independence if good terms could be obtained.<sup>15</sup> Willing to risk all for liberty but remembering the expulsion of his Huguenot ancestors from France, John Jay hoped a

<sup>12</sup> Burnett, *op. cit.*, 198. April 28, to the President of Delaware.

<sup>13</sup> *Ibid.*, 195. April 28, to John Laurens.

<sup>14</sup> *Ibid.*, 156. April 7, to James Duane.

<sup>15</sup> *Proceedings of the Massachusetts Historical Society*, second series, X (1895-96), 464-465.

liberal alliance could be made with Britain: "The destruction of Old England would hurt me; I wish it well: it afforded my ancestors an asylum from Persecution."<sup>16</sup> The French alliance soon justified the position of Congress, but did not immediately settle the issue in the country. As late as June 18, Patrick Henry declared that Richard Henry Lee's re-election to the national legislature was opposed by "those men who . . . prefer the offers of Britian. . . . *The old leaven still works. The flesh pots of Egypt are still savoury to degenerate palates.*"<sup>17</sup> The same day, another colonial governor, William Livingston of New Jersey, indicated that he was vexed, not only by the presence of many Tories in his state, but also by "no inconsiderable numbers of neutrals and mongrels. . . ."<sup>18</sup>

But the "neutrals and mongrels," the Anglophiles and middle-of-the-rovers anxious for compromise, had only the slightest prospects of winning widespread support. Their arguments struck the wrong note for 1778. Their attitude that we must be cautious, looking neither to the left at the blandishments of France nor to the right at those of England, contrasted sharply with the colorful, forceful appeals of the separatists. Explore this offer, said Washington in his letter of transmittal, in the most striking manner. "I trust it will be attacked, in every shape, in every part of the continent."<sup>19</sup> Two days later he asked that "persons of leisure and ability set to work to counteract the impressions they may make on the minds of the people."<sup>20</sup>

The General's request was quickly filled. A group of writers took up their quill pens to resume the verbal battle of the prewar decade with Britain, but on a different plane. Words of scorn and mockery, hate and ridicule flowed from the printing presses for the rest of the year. The Whig propaganda machine was quickly thrown into high gear, and one wonders whether its broadsides and articles were not more effective than the French agreement in inalterably fixing the American mind on independ-

<sup>16</sup> H. P. Johnston (ed.), *The Correspondence and Public Papers of John Jay* (New York, 1890), I, 180. April 29, to Gouverneur Morris.

<sup>17</sup> W. W. Henry, *Patrick Henry: Life, Correspondence and Speeches* (New York, 1891), I, 564-565.

<sup>18</sup> Theodore Sedgwick, *A Memoir of the Life of William Livingston* (New York, 1833), 294.

<sup>19</sup> Ford, *Writings*, *op. cit.*, 475. April 18, to Henry Laurens.

<sup>20</sup> *Ibid.*, 485. April 21, to John Banister.

ence. Two of the best penmen of the period were on the committee which wrote the report of April 22. "Your Morris and our Drayton have it in hand I make no doubt but that we shall return it decently tarred and feathered" was Laurens' estimate of their ability.<sup>21</sup> For Gouverneur Morris and William Henry Drayton, this bit of writing was only a beginning, and their efforts were soon matched by those of Governor Livingston, who was called to the cause by the commander-in-chief:

You will see their aim is, under offers of peace, to divide and disunite us, and unless their views are early investigated and exposed in a striking manner, and in various shapes by able pens, I fear they will be but too successful, and that they will give a very unhappy, if not a ruinous cast, to our affairs. . . . If your leisure will possibly permit, I should be happy that the whole should be discussed by your pen.<sup>22</sup>

"I have already begun to sound the alarm," wrote Livingston five days later.<sup>23</sup>

I have sent Collins [the editor of the *New-Jersey Gazette*] a number of letters, as if by different hands, not even excluding the tribe of petticoats, all calculated to caution America against the insidious arts of enemies. This mode of rendering a measure unpopular, I have frequently experienced in my political days to be of surprising efficacy, as the common people collect from it that everybody is against it, and for that reason those who are really for it grow discouraged, from magnifying in their own imagination the strength of their adversaries beyond its true amount.<sup>24</sup>

On May 6, the *New-Jersey Gazette* published two of the governor's works. In the long article signed "Hortentius," Livingston denied the right of Britain even to lay duties to regulate commerce. For what is the right of taxing the commerce of a trading people but the right of drawing from them whatever sums of money England desires? Won't Parliament, in imposing these duties,

<sup>21</sup> Burnett, *op. cit.*, 171. Morris may have been the sole author, *ibid.*, 219.

<sup>22</sup> Sedgwick, *op. cit.*, 279. Letter of April 22.

<sup>23</sup> *Ibid.*, 281. April 27, to Henry Laurens.

<sup>24</sup> *Ibid.*, 282. April 27, to George Washington.

think it expedient to prevent the colonies from trading with other nations, thus ruining American prospects of engaging in world-wide trade? The promise that the proceeds of these duties would be spent in the colony in which they were levied was, after all, mere sugar coating. They would really be used to maintain ministerial dependents sent over to accumulate fortunes in America, who would then return home to dissipate in luxury their ill-gotten gains. "For my own part I would rather pay the tax immediately into the English exchequer, as I think it infinitely more eligible to support a number of rogues in England than in America."<sup>25</sup>

Much shorter and more artful was Livingston's letter to the editor from a member of the "tribe of petticoats." His "Belinda" threatened the Americans with a boycott they would have found impossible to withstand:

The fair ones in our neighborhood have already entered into a resolve for every mother to disown her son, and refuse the caresses of her husband, and for every maiden to reject the addresses of her gallant, where such husband, son or gallant, shews the least symptoms of being imposed upon by this flimsy subterfuge, which I call the dying speech, and last groans of Great Britain, pronounced and grunted out by her great oracle, and little politician, who now appears ready to hang himself, for having brought the nation to the brink of that ruin from which he cannot deliver her.—You will be kind enough to correct my spelling, a part of my education in which I have been much neglected.<sup>26</sup>

While the continental leaders and writers in the middle colonies, unsure of the position taken on April 22, thought the safest plan was to counterattack, New England received the North proposals with fewer qualms, for at the same time Simeon Deane was administering the antidote of the French alliance. Both the Boston *Continental Journal* and the Worcester *Massachusetts Spy* told their readers of the British project on April 23. Conditions in England, said the *Spy*, are indeed woeful. That nation is in the most violent ferment, with stocks falling more than ten per cent and a national bankruptcy feared. Suspecting the existence of the French treaty, the British have decided to give peace (as they term it)

<sup>25</sup> *Archives of the State of New Jersey*, second series, II (1778), 193-195.

<sup>26</sup> *Ibid.*, 195-196.

to America, and accordingly are sending commissioners to negotiate with Congress. The *Journal* declared that no honest American could wish to be united to people such as the British. How could they be sincere in proposing to treat with us upon the solid principles of equal liberty when they have lavished away their own? Parliament has expressed only an *intention* not to exercise the right to tax, and what reliance can be placed upon an intention that can be changed at the next session? Their emissaries will have the power to proclaim a cessation of arms, but can revoke that proclamation as soon as our troops have scattered. They may suspend the operation of acts prohibiting trade, but can revoke the suspension when our merchants have sent their ships to sea. "They may do everything that can have a tendency to divide and distract us, but nothing that can afford us security."

For weeks the press all over the country waged its vociferous campaign without letup. The same day that the *New-Jersey Gazette* called the bills "the old nauseous dish (which no honest American could ever swallow) with a little amendment in the cookery and sauces,"<sup>27</sup> the *Pennsylvania Gazette* extracted the following "prophetic" sentences from Burke's *Speech on Conciliation* for Lord North's serious perusal: "Conciliation failing, force remains; but force failing, there is no further hope of conciliation. Power and authority may indeed be bought by kindness, but they cannot be begged as alms by an impoverished and defeated violence." In a long poem studded with the hortatory *see!* and *lo!*, "Adolphus" visioned the utopian society that would spring up on this continent, "From Georgia's groves to Baffin's frozen bay," when tyrant kings vexed this realm no more.<sup>28</sup> This roseate picture of a golden age in America was painted by many other Whigs, including Joel Barlow, who foresaw an "unclouded day rising in the West,"<sup>29</sup> and David Ramsay, who beheld great cities rising "on those very spots which are now howled over by savage beasts and more savage men."<sup>30</sup>

Wearied with their ineffectual attempts to subjugate you by

<sup>27</sup> Frank Moore (ed.), *Diary of the American Revolution* (New York, 1860), II, 38. (Issue of April 23.)

<sup>28</sup> *Archives*, *op. cit.*, 224. (*New-Jersey Gazette*, May 20.)

<sup>29</sup> *The Prospect of Peace*. . . (New Haven, 1788), 11.

<sup>30</sup> "An Oration on the Advantages of American Independence . . .," Hezekiah Niles (ed.), *Principles and Acts of the Revolution in America* (New York, 1876), 380.



military force, the enemies of liberty are about to try "the insidious method of negotiation," warned the *Continental Journal*. "This is no time for trimming or temporizing—rouze and exert yourselves to fill up the continental army, and put it in the power of your justly beloved General, by a vigorous campaign to put an end to the war."<sup>31</sup>

Nor did the newspapers spurn aid from North's opponents in England; the London papers were liberally quoted in America. America has a right to her independence, said one letter writer to the *London General Advertiser*, and every American slain for defending it is murdered.<sup>32</sup> Another bewailed the fact that Great Britain, "the queen of the seas, the conqueror of France, and the scourge of Spain," was forced by her own provinces to grant terms.<sup>33</sup> "Sidney" firmly believed that Lord North had exhausted Britain's resources, debased her honor, and ruined her interests: "After having completely broken the neck of this country, it may be not unnecessary to speculate upon the fate of your own. . . ."<sup>34</sup>

The Loyalist papers greeted the conciliation bills as heaven-sent, and none embraced them more affectionately than New York's James Rivington in his *Royal Gazette*. Here again, said he, does England's lenity and mercy hold out peace, safety, and happiness upon a broad and firm basis to the deluded inhabitants of the colonies. Already there were indications that some "patriots" were beginning to see the light: when the drafts were circulated among two regiments of New Englanders at Fishkill, they laid down their arms. Only after being treated with a roasted ox and plenty of rum did the soldiers return to the American fold.<sup>35</sup>

Without causing a break in this press barrage, Simeon Deane arrived at York on May 2, to put heart into a Congress doubtful whether it had not overstated the case. The congressmen's appearance of determination was now solidified into actual resolution by the reassurance of French aid. Perhaps the note of relief so widely felt by the American leaders at this time was best expressed by Lafayette, who had written Washington on April 25: "Three dreadful commissioners . . . I fear more than ten thousand men.

<sup>31</sup> *Continental Journal, and Weekly Advertiser*, June 11.

<sup>32</sup> Quoted in *ibid.*, May 7.

<sup>33</sup> Quoted from the *Bristol Journal* of February 27, *ibid.*, June 4.

<sup>34</sup> Quoted from the *London General Advertiser* of April 2, *ibid.*, July 16.

<sup>35</sup> Moore, *op. cit.*, 38, 58. (Issues of April 23 and May 30.)

Your Excellency knows better than me what effect those propositions of peace may have. . . ."<sup>36</sup> But this attitude soon changed to: "houara, my good friend, now the affair is over and a very good treaty will assure our noble independence. . . . I hope a grand noisy *feu de joy* will be ordered. . . ."<sup>37</sup> Deane had won the race across the Atlantic with the commissioners, and the tidings he bore had a revitalizing effect upon all the patriots. Embarked on a mission now become futile, the peace envoys were sailing toward a warm, but not hospitable reception.

Assured of active aid from the French and certain of its course, the Continental Congress now strove to arouse its countrymen to seize the victory now in their grasp. Just as anger fires an athletic team to play its most brilliant when its opponents have not abided by the rules of the game, stories of cruelty and atrocities by the enemy swiftly lift a people at war to a high emotional pitch, uniting them into one effective striking force. The Whig writers very well knew that co-operation and support would be incomparably easier to obtain if the mental image of Old England the mother country were replaced by the picture of Great Britain, the treacherous and foul. Congress itself tried to effect this change in its address of May 8 to the people of the United States:

But however great the injustice of our foes in commencing this war, it is by no means equal to that cruelty with which they have conducted it. The course of their armies is marked by rapine and devastation. Thousands, without distinction of age or sex, have been driven from their peaceful abodes, to encounter the rigors of inclement seasons; and the face of Heaven hath been insulted by the wanton conflagration of defenceless towns. Their victories have been followed by the cool murder of men, no longer able to resist; and those who escaped from the first act of carnage, have been exposed, by cold, hunger, and nakedness, to wear out a miserable existence in the tedious hours of confinement. . . .

Only if we remain steadfast on our course, the address continues, shall we establish our liberties and independence; if we

<sup>36</sup> Louis Gottschalk (ed.), *The Letters of Lafayette to Washington* (New York, 1944), 41.

<sup>37</sup> *South Carolina Historical and Genealogical Magazine*, VIII (July, 1907), 124. May 1, to Henry Laurens.

treat with England, we will be seduced into a dependence leading to the most humiliating slavery. "Your foreign alliances, though they secure your independence, cannot secure your country from desolation, your habitations from plunder, your wives from insult or violation, nor your children from butchery. Foiled in their principal design, you must expect to feel the rage of disappointed ambition. Arise then! to your tents, and gird you for the battle!"<sup>38</sup>

Both the texts of the treaties of amity and commerce and the address of Congress were printed widely throughout the colonies, and both spoke for themselves without further elaboration by the Whig journals. The Loyalist papers, although groggy from these new blows at their cause, soon recovered sufficiently to counter-attack hysterically. "A *seasonable* piece of *misrepresentation*," was one Tory's opinion. It is unthinkable that we should separate from Britain, the ancient supporter of the Protestant religion, to ally with the most powerful and ambitious enemies of the Reformation.<sup>39</sup> "This may be looked upon," sneered Rivington, "as the masterpiece or keystone of the arch that supports that system of lies with which the good people of America have been gulled and deceived; but the foundation is rotten: and the whole fabric must soon fall to the ground."<sup>40</sup>

In America the stage was set for the act which England had intended should turn her play into a smash hit, but which the French alliance and the Whig propagandists turned into a dismal failure. Soon after the reconciliation bills had passed Parliament in March, George III appointed as peace commissioners Lord Frederick Carlisle, a young man not quite thirty and with little political experience; William Eden, an ambitious undersecretary of state and later, as Lord Auckland, a brilliant diplomat during the time of the French Revolution; and George Johnstone, a former governor of West Florida known in Parliament as a partisan for America. The military commanders in the colonies, Sir William Howe and Lord Howe, were also named, but before the first three members reached America on June 4, the former had been replaced by Sir Henry Clinton.

On June 6, Congress received letters from the British commanders enclosing copies of the acts "passed this Session of Par-

<sup>38</sup> Ford, *Journals*, *op. cit.*, XI, 474-481.

<sup>39</sup> Editor of the *Pennsylvania Ledger*, May 13, Moore, *op. cit.*, 46-48.

<sup>40</sup> *Ibid.*, 45. (The *Royal Gazette*, May 20.)

liament, for quieting the Disorders now subsisting in these Colonies."<sup>41</sup> The members of this body "have already expressed their sentiments upon bills not essentially different from those acts, in a publication of the 22nd of April last," replied President Laurens later in the day. When the King "shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace, as may consist with the honor of independent nations, the interest of their constituents, and the sacred regard they mean to pay to treaties."<sup>42</sup>

The same day, Carlisle, Eden, and Johnstone arrived in Philadelphia, where they were shocked to discover the British forces preparing to leave the city. The evacuation of this town, so short a distance from the seat of Congress, "will not give us much assistance in our business," Carlisle stated. "In case the Congress was not inclined to come into measures, we wished to have desired them to consider that so fine an army, so disciplined, so healthy, so everything, might possibly be of some inconvenience to them if they rejected our proposals. . . ."<sup>43</sup> A sincere effort to meet and parley with the Americans, however, must still be made. Congress had disdained the North bills, but the commission had other offers which would sound generous if allowed to be extracted as concessions around the conference table. British forces stationed in America had been anathema to the colonists for some time before 1775; George III's private instructions empowered his representatives to concede that no standing armies would be stationed in this country if provincial forces were maintained. The British officials should attempt to make some agreement whereby the Americans would shoulder their share of the public charge, but "if you find them peremptorily fixed on coming to no resolution favourable to any proposition of contribution at all, you, or any three of you, have hereby our royal authority ultimately to declare your acquiescence." Governors, heretofore appointed by the King, might now be elected, and the appointment of customs officials delegated to the assemblies. Britain would accept a colonial

<sup>41</sup> B. F. Stevens, *Facsimiles of Manuscripts in European Archives Relating to America, 1773-1783* (London, 1889-98), numbers 1086, 1089.

<sup>42</sup> Ford, *Journals*, *op. cit.*, 574-575.

<sup>43</sup> Historical Manuscripts Commission, Fifteenth Report, *The Manuscripts of the Earl of Carlisle, Preserved at Castle Howard* (London, 1897), 341.

Congress if it didn't impinge on her own sovereignty. And one last concession that George III thought destined to win wide acclaim: no American charged with treason would be transported to stand trial.<sup>44</sup>

The salesmen of peace had many enticing samples in their satchel, but the prospective customer had already signed a contract with their competitor. Three days after reaching Philadelphia, they sent Congress a copy of their commission and a letter stating their earnest desire to "Stop the further Effusion of Blood." Britain's good intentions, they said, were shown by her desire to have the North American states act with her under one common sovereign, while enjoying at the same time every privilege short of a total separation of interests. "In our anxiety for preserving those sacred and essential interests, we cannot help taking notice of the insidious interposition of a power, which has, from the first settlement of these colonies, been actuated with enmity to us both. And notwithstanding the pretended date or present form of the French offers"—when this passage was read in Congress, up rose Gouverneur Morris to move that the reading proceed no further "because of the offensive language against his most Christian Majesty."<sup>45</sup> The motion was carried and not till June 16 did Congress finish reading the commissioners' hope that the Americans would shrink from the thought of adding to the power of the French.

If, after the time that may be necessary to Consider this Communication and transmit your answer the horrors and Devastations of War should continue, We call God and the World to Witness that the Evils which must follow, are not to be imputed to Great-Britain. And we cannot without the most real Sorrow anticipate the prospect of Calamities which We feel the most ardent desire to prevent.<sup>46</sup>

Congress replied on June 17, that nothing but an earnest desire to prevent further bloodshed could have induced them to read a paper so disrespectful to the King of France. We will be ready "to enter upon the consideration of a treaty of peace and commerce

<sup>44</sup> S. E. Morison, *Sources and Documents Illustrating the American Revolution*. . . . (Oxford, 1929), 186-203.

<sup>45</sup> Ford, *Journals*, *op. cit.*, XI, 606.

<sup>46</sup> Stevens, *op. cit.*, number 1104.

not inconsistent with treaties already subsisting, when the king of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition, will be, an explicit acknowledgment of the independence of these states, or the withdrawing his fleets and armies."<sup>47</sup>

If all the fine things now offered, Laurens wrote General Gates, had been tendered some time ago, there can be no doubt but that we would joyfully have embraced the proposition. "But now what answer can be given but that which was returned to the foolish Virgins—'the Door is shut' . . . here's a Boy's Card House tumbled down by a Breath."<sup>48</sup> They do not allow independence, said his colleague, James Lovell, therefore they might have tarried at home.<sup>49</sup>

"An American" penned a widely read declaration to the commissioners. You tell us, he began, you are willing to consent to a cessation of hostilities. It is difficult for us rude Americans to determine whether you are serious or jesting with our simplicity. If you will, nevertheless, transport your troops to England, where before long your king will certainly want their assistance, we shall not follow them thither. "We are not so romantically fond of fighting, neither have we such regard for the city of London, as to commence a crusade for the possession of that holy land. Thus you may be certain hostilities will cease by land."<sup>50</sup>

"There is one very weak point in all your pretty speeches," "An American" continues. "What security could you give that the British Parliament would ratify your compacts?" You can give us no security; should we accept your offers, we would find our good name filched, the precious jewel of our liberties seized by the common enemy of man, and ourselves at the mercy of Parliament.

Their efforts rebuffed stiffly by Congress, the commissioners lost all patience. You refer to treaties already subsisting, they wrote on July 11. By what powers do you "conceive yourselves authorized to make Treaties with Foreign Nations?"<sup>51</sup> The co-

<sup>47</sup> Ford, *Journals*, *op. cit.*, XI, 615.

<sup>48</sup> Burnett, *op. cit.*, 299. Letter of June 17.

<sup>49</sup> *Ibid.*, 303. June 18, to Horatio Gates.

<sup>50</sup> Now credited to Gouverneur Morris, *ibid.*, 315-316, this article may be found in H. A. Cushing (ed.), *The Writings of Samuel Adams* (New York, 1908), IV, 25.

<sup>51</sup> Stevens, *op. cit.*, number 1119.

lonial leaders ignored this retort which, as the Articles of Confederation had not yet been ratified, touched on a very sore spot. William Henry Drayton, however, refuted the arguments of the English point by point,<sup>52</sup> and "An American" once more took up the cudgels. "It is a most diverting circumstance to hear you ask Congress what power they have to treat, after offering to enter into a treaty with them, and being refused. The Count de Vergennes had a right to it, but the Earl of Carlisle has not."<sup>53</sup> The *New York Journal* put its telling taunts into "An Epigram":

"How hard is your Congress' exacted conditions!"  
Cry the gentlemen come with pacific commissions,  
Withdrawing our troops, they premise, and our fleet,  
And on no other terms will they deign for to treat!  
The word *Independence*, what can they intend in't?  
In spite of our efforts you are Independent.<sup>54</sup>

Carlisle, Eden, and Johnstone did not throw up the attempt at conciliation because of these setbacks. Their monarch had suggested that they correspond with individuals as well as with Congress,<sup>55</sup> and Johnstone proceeded to do so, in such a fashion, however, as to cause his colleagues much embarrassment. With their letter of June 9, the commissioners had sent a pack of private letters from Englishmen to their friends in America, which, they hoped, the Congressmen would deliver for them. Johnstone had already written to General Joseph Reed in April and to Henry Laurens in June. The same day that Congress replied to the letter of June 9, it recommended to the state authorities and the military commanders that they take effective measures to stop "so dangerous and criminal a correspondence."<sup>56</sup> Johnstone nevertheless continued his letter writing, unfortunately for the commission as well as his own private reputation. His epistles took on an insinuating tone. To Robert Morris he wrote:

I believe the men who have conducted the affairs of America incapable of being influenced by improper motives. But in all such transactions there is risk, and I think whoever ventures should be secured, at the same

<sup>52</sup> *Massachusetts Spy*, August 13.

<sup>53</sup> *Continental Journal*, August 6.

<sup>54</sup> Moore, *op. cit.*, 78. Issue of August 3.

<sup>55</sup> Morrison, *op. cit.*, 189.

<sup>56</sup> Ford, *Journals, op. cit.*, XI, 616.

time that honour and emoluments should naturally follow the fortune of those who have steered the vessel in the storm and brought her safely to port. I think that Washington and the President have a right to every favour that grateful nations can bestow if they could once more unite our interest and spare the miseries and devastation of war.<sup>57</sup>

Not receiving Reed's reply to his April letter, Johnstone grasped an opportunity which presented itself to influence the general. In Philadelphia he met an American lady, Mrs. Elizabeth Ferguson, whose husband, the British commissary of prisoners, had been summoned by the Pennsylvania Supreme Executive Council at Lancaster to defend himself on the charge of high treason. Johnstone heard of Mrs. Ferguson's intention to go there to intercede for her husband, an English subject, and told her he would like to see Reed, who she thought was at the state capital. The conversation, which Mrs. Ferguson later recorded, took place on June 16:

I heard, says he, that Reed has a good deal to say with Washington. I believe, Sir, returned I, that General Reed stands very well with General Washington, (for I always made it a point to give our officers their titles immediately, when any of the British Gentlemen omitted them.) I had thoughts, says Johnstone, of applying to both these Gentlemen (meaning Mr. Reed and Mr. Morris) for their good offices, but the fewer people one applies to the better: But, I should be particularly glad of Mr. Reed's influence in this affair; Mrs. Ferguson, says he, and I think he looked a little confused, if this affair should be settled in the way we wish, we shall have many pretty things in our power, and if Mr. Reed, after well considering the nature of the dispute, can, conformable to his conscience and view of things, exert his influence to settle the contest, he may command ten thousand guineas and the best post in the government, and if you should see him, I could wish you would convey that idea to him.<sup>58</sup>

Two days after this conversation, when the last of the British

<sup>57</sup> Francis Wharton (ed.), *The Revolutionary Diplomatic Correspondence of the United States* (Washington, 1889), II, 616-17.

<sup>58</sup> Joseph Reed, *Remarks on Governor Johnstone's Speech . . .* (Philadelphia, 1779), 39-57.



army had departed, Reed came in and Mrs. Ferguson summoned him to her home. Knowing her to be "a lady of family and reputation," Reed called on her the evening of the twenty-first and heard the Englishman's offer. "I found an answer was expected, and gave one, 'That I was not worth purchasing, but such as I was, the King of Great-Britain was not rich enough to do it.'"<sup>59</sup> Reed did not bother to make the offer public, but went off to fight at the battle at Monmouth. While he was away, Congress, now in Philadelphia, ordered that the "letters from some of the British commissioners" be read before it.<sup>60</sup> Morris produced his letter the same day, Francis Dana of Massachusetts did the same a week later, and Reed, returned from the battle on the fifteenth, on June 18. Congress took action on August 11, declaring that these mis-sives must be considered as direct attempts to bribe the Congress of the United States, and resolved that it was incompatible with their honor "to hold any manner of correspondence or intercourse with the said George Johnstone, Esq., especially to negotiate with him upon affairs in which the cause of liberty is interested."<sup>61</sup>

The Whig organs greeted Johnstone's efforts with their heaviest sarcasm. According to one poem, even Satan, when he fell from Heaven, had proposed no bribes, but Britain 'commits a sin that makes a blush in hell.'<sup>62</sup> Many journals printed an ad which they said had been recently posted in occupied New York:

To be SOLD  
the BRITISH RIGHTS in *America*  
Consisting of, among other Articles,  
The THIRTEEN PROVINCES now in rebellion, which Britain  
in the hour of her insolence attempted to subdue. . . . Apply to  
GEORGE JOHNSTONE, Esq; who is desirous of concluding a  
private bargain—The conditions of sale to be seen in the hands of  
HENRY LAURENS, Esq; President of the Continental Congress.

The British army and navy, all printers and news writers, all  
mobs and disorderly persons are forbid to obstruct the sale.<sup>63</sup>

"Bob Centinel" regarded Johnstone's purchasing mission more seriously. "Take care," he wrote, "that their *gold* be not more

<sup>59</sup> *Ibid.*, 17, 21.

<sup>60</sup> Ford, *Journals*, *op. cit.*, XI, 678.

<sup>61</sup> *Ibid.*, 772-773.

<sup>62</sup> *Connecticut Courant*, August 18.

<sup>63</sup> *Continental Journal*, August 27.

fatal to you than their *lead*. The last has slain its thousands, the first may purchase chains for millions.”<sup>64</sup>

Into this picture of disorder, charge and countercharge, the once hopeful, now resentful commissioners introduced one more element, enlarging their powers to include the matter of the Saratoga Convention troops. General Gates, at the time of Burgoyne’s surrender in 1777, had agreed that the captured Redcoats be allowed free passage home, on condition that they would not serve again in North America. Realizing their return would free other troops to take their place in America, Congress seized on an untactful statement of Burgoyne’s as adequate reason not to return the Convention troops to the British. On August 7 the commissioners demanded the release of the captives.<sup>65</sup> Receiving their “peremptory requisition” on the tenth, Congress let its statement of the next day, refusing to negotiate with Johnstone, stand as a reply. On the twenty-sixth, Carlisle, Eden, and Clinton issued a declaration denying that they had ever had any knowledge of Johnstone’s letters or conversations with individual Americans, but did not “mean to enter into an Explanation of the Conduct, of a Gentleman whose Abilities and Integrity requires no vindication from them.”<sup>66</sup> Accusing Congress of making charges against him to save its own face, Johnstone resigned that day, and returned to England the following month.

The commissioners’ highhanded attitude stirred up another flurry of vitriolic comment. “Your commissioners are acting very indiscreetly in America,” opined Benjamin Franklin in a letter to David Hartley, M.P., from Paris. “The detention of Burgoyne’s troops . . . I conceive not to be within their commission. . . . These gentlemen do not appear well qualified for their business. I think they will never *heal* the breach, but they may *widen* it. . . .”<sup>67</sup>

In the press, Drayton led off in a long article written in his usual legalistic style, refuting in detail every statement of the British envoys.<sup>68</sup> The *Connecticut Courant* printed a “true” copy of a handbill written under Lord North’s direction, in which the prime minister declared that all hope of conquest was dead.

<sup>64</sup> *Massachusetts Spy*, July 23.

<sup>65</sup> Stevens, *op. cit.*, number 1125.

<sup>66</sup> *Ibid.*, number 1133.

<sup>67</sup> John Bigelow (ed.), *The Complete Works of Benjamin Franklin* (New York, 1888), VI, 220-221. Letter of October 26.

<sup>68</sup> *Massachusetts Spy*, September 24, October 8.

"AMERICA STANDS ON HIGH GROUND; FRANCE AND ENGLAND MUST NOW COURT HER."<sup>69</sup> Governor Livingston sarcastically proved that this country should have remained subordinate. We have contracted an enormous war debt, and no one will trust a bankrupt America. Britain, on the other hand, is utterly incapable of discharging her war debt, and so is not obliged to accomplish the impossible. "Would it not, therefore, have been better for us to have remained in subjugation to a nation that can equip the most formidable fleets and armies on credit, and prosecute endless wars in every quarter of the globe, not only without any cash of her own, but without the least intention of repaying what she borrows from others for that purpose?"<sup>70</sup>

Finally convinced that any attempt to deal with Congress would be fruitless, Carlisle, Clinton, and Eden, trying to head off a humiliating failure for their mission, resolved on one last desperate measure. They attempted, on October 3, to carry their case over the heads of the American legislators to the people by a "Manifesto and Proclamation," which they tried to distribute. Using for the first time their power to broaden the reconciliation acts, they signified their willingness to exempt the colonies from any and every imposition of taxes by Parliament. Now could they declare, "The grievances, whether real or supposed, which led them into this rebellion, have been for ever removed. . . ." But Congress had fixed upon independence as the prize to be attained by the rebellion. The members of that body, said the commissioners, were not authorized to reject the peace plan without first consulting the state assemblies or their constituents. Carlisle and his comrades took it upon themselves to attend to this little matter of consulting. To the individual General Assemblies, they declared, we now make the offers we originally transmitted to Congress; to the people we hereby grant and proclaim a pardon of all treasons, if such be requested by any person during the next forty days. Concerning the troublesome question of separation, we neither possess nor expect to obtain the power to acknowledge the independence of the colonies, "a concession which would in our opinion be calamitous to the colonies for whom it is made, and disgraceful as well as calamitous to the country from whom it is required." If the separatists persist in their present attitude and in the pretended

<sup>69</sup> Issue of September 1.

<sup>70</sup> *Archives, op. cit.*, 417. (*New-Jersey Gazette*, September 9.)

alliance with France, the benevolence of England, which thus far has checked the extremes of war, will be ended. If any British colony

professes the unnatural design not only of estranging herself from us but of mortgaging herself and her resources to our enemies, the whole contest is changed; and the question is, How far Great-Britain may by every means in her power destroy or render useless a connexion contrived for her ruin and for the aggrandizement of France. Under such circumstances the laws of self-preservation must direct the conduct of Great-Britain, and if the British Colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to her enemy.<sup>71</sup>

To effectively counter this last, most threatening action of the English mission, the Whigs rallied their total forces. "The public, it seems, is once more entertained with another dying speech of their Excellencies the British Commissioners, who, like Mr. *Partridge* the Almanack-maker, will be walking about, after having been proved stone-dead before," began "Hortentius" Livingston. The English still believe the people can be spirited up against the Congress; when will they realize it will require more than a forty days' quarantine to "air away all the infection of republicanism?"<sup>72</sup>

Using the telling weapon of ridicule as freely as ever, the *Spy* mimicked the Britishers:

To public bodies and to all  
That colonies we late did call;  
Eden, Sir Harry and my Lord!  
(All men of mighty power in word)  
Do write unto the world at large,  
This long last speech and dying charge!

Whereas we've found that certain folks  
Will neither mind or bribes or jokes;  
Nor be persuaded with their betters,  
How sweet it is to walk in fetters;  
But stand resolved still to mistake  
The kindly overture we make,  
"Union of interest and force,"  
Call metaphysics of discourse,  
Altho' *state words* exceedingly shrewd  
When well explain'd, or understood,  
Which mean—that you may still be free  
And we retain supremacy—

<sup>71</sup> Stevens, *op. cit.*, number 1172.

<sup>72</sup> *Archives*, *op. cit.*, 485-486.

For we again in dudgeon swear  
 You've not a grievance to repair;  
 And spite of all your French assistance  
 We'll play the devil—at a distance.<sup>73</sup>

South Carolina's Drayton, in an open letter to their Excellencies, professed to be amused. Both your acts and your force has failed, he wrote. I trust we shall never be so mad as to compliment your country with our obedience.<sup>74</sup> "P.O." advised that any separate appeal to the assemblies would be to no avail. We have heard of "divide et impera and know the meaning of it as well as you. . . ."<sup>75</sup> Your hollow pretensions, professing attachment to the happiness of America, scoffed "Americanus," may suit the hypocrite of St. James but here excite only their deserved contempt.<sup>76</sup> The *Pennsylvania Packet*, not to be outdone by any Tories, issued a "Proclamation Extraordinary," headlined "TEN THOUSAND POUNDS, Reward." This munificent sum was offered to the person who would discover for His Majesty's agents a more cruel and expeditious method of waging war on civilians than any hitherto practiced. The offers, advice, and assistance furnished to his Britannic Majesty by his Satannic Majesty having proved insufficient, no person in the family or employ of the latter need apply.<sup>77</sup>

The Virginia Assembly, on October 17, refused to receive the manifesto from the British messenger, declaring at the same time that any person performing a like mission in the future would "be secured, as an enemy to America."<sup>78</sup> Some state legislatures followed the example set by the Old Dominion, others received and forwarded the declarations to the Continental Congress as the only proper tribunal to deal with them.<sup>79</sup> When that body received the manifesto, it appointed a committee of five to prepare an answer. The Tory Rivington got word, evidently from an exclusive source, that one member was moved to support the commissioners:

October 27.—By letters from Philadelphia, we learn that on the receipt of the last manifesto from the English

<sup>73</sup> *Massachusetts Spy*, November 12.

<sup>74</sup> *Ibid.*, November 19.

<sup>75</sup> *The Continental Journal*, November 12.

<sup>76</sup> *Virginia Gazette* (Dixon, Hunter, Nicolson, eds.), October 30.

<sup>77</sup> Reprinted in the *Massachusetts Spy*, December 17.

<sup>78</sup> Henry, *op. cit.*, 567.

<sup>79</sup> David Ramsay, *The History of the American Revolution* (Philadelphia, 1789), II, 79-80.

commissioners, one of the Congress had the resolution to make the following short speech:

"I have listened to this manifesto with great attention, and I am not ashamed to acknowledge that it breathes a spirit of candor and resolution by which I am considerably influenced. No man in this august assembly will dare to express a doubt of my sincere attachment to the true interest of my country. I am convinced that the interest of America is inseparable from that of Britain, and that our alliance with France is unnatural, unprofitable, absurd. I therefore move, that this phantom of independence may be given up." He had scarcely uttered the words before the President sent a message to fetch the Polish count, Pulaski, who happened to be exercising part of his legion in the courtyard below. The count flew to the chamber where the Congress sat, and with his sabre, in an instant severed from his body the head of this honest delegate. The head was ordered by the Congress to be fixed on the top of the liberty pole of Philadelphia, as a perpetual monument of the freedom of debate in the Continental Congress of the United States of America.<sup>80</sup>

Although Rivington's unvarnished falsehoods may have rung true to a few simple-minded Americans, Congress at this time was conducting its business in a much more orderly and friendly fashion than the Loyalist newspaperman's story would lead us to think. On October 30, it countered with a manifesto of its own, threatening retaliation "if our enemies presume to execute their threats, or persist in their present career of barbarity."<sup>81</sup> But by that time the *coup de grace* had been delivered by the American commander-in-chief of verbal warfare. "There is a dignity in the warm passions of a Whig, which is never to be found in the cold malice of a Tory. In the one nature is only heated—in the other she is poisoned." With these words the dean of the American pamphleteers, Thomas Paine, entered the fray, devoting number six of the *American Crisis* to the "British Commissioners, at New York." I think we are indebted more to providence than to your benevolence, he taunted, for the short chain that limits your ravages. "Remember you do not at this time, command a foot of land on the Continent of America. Staten-Island, York-Island, a small part of Long-Island, and Rhode-Island, circumscribe your power." You have not

<sup>80</sup> Moore, *op. cit.*, 101-102. (The *Royal Gazette*, October 28.)

<sup>81</sup> Ford, *Journals, op. cit.*, XII, 1080-1082.

succeeded in establishing your rule in America by force, nor shall you impose a monarchy on us by guile.

Your rightful sovereign, as you call him, may do well enough for you, who dare not inquire into the humble capacities of the man; and unless it is your wish to see him exposed, it might be your endeavor to keep him out of sight. The less you say about him the better. We have done with him, and that ought to be answer enough. You have often been told so. Strange! that the answer must be so often repeated. You go a-begging with your king as with a brat, or with some unsaleable commodity you are tired of; and though everybody tells you no, no, still you keep hawking him about. But there is one that will have him in a little time, and as we have no inclination to disappoint you of a customer, we bid nothing for him.

How can such a nation as yours, ever aggressive, grasping, and insulting, expect us to toady to her when we can be the ally of her more civilized rival? Sirs, you have been on a useless mission; what do you stay for, and why have you stayed this long?<sup>82</sup>

Carlisle and Eden waited until November 27 to take Paine's gentle hint. Aboard the good ship *Roebuck*, they may have read the next issue of the *Crisis*, in which Paine stated that England was never sincere in her reconciliation efforts. She had always desired a general rebellion, and was still confident of crushing the present outbreak. Then would she reap the rich harvest of a general confiscation and provide for her numerous court dependents from the new source of plunder.<sup>83</sup>

In tarrying so long before acknowledging failure, the commissioners must be credited with staying power but not with furthering the cause of their own country. Not long after they issued their last declaration, the *Pennsylvania Packet* had exclaimed: "Poor devils! why don't they get home and mind their hardware and broadcloth, and not pester us with scribbling letters and petitionary proclamations."<sup>84</sup> But George III's emissaries were slow in realizing that their mission had been doomed from the start. In waiting until February to propose reconciliation, King George and Lord

<sup>82</sup> A. W. Peach (ed.), *Selections from the Works of Thomas Paine* (New York, 1928), 121-130: *The American Crisis*, no. VI.

<sup>83</sup> *Ibid.*, 130-148. (*The Crisis*, no. VII.)

<sup>84</sup> Moore, *op. cit.*, 98. (Issue of October 15.)

North had waited too long. When they finally acted, their plan was not only too late, but offered too little. Knowing his terms would have to compete in America with either the hopes of a French treaty, or the agreement itself, the King nevertheless regarded his propositions as very generous indeed. How grossly he overestimated the American desire for reunion with Britain, and misinterpreted the temper of the Whigs, was soon revealed. That same vocal creative minority which had fostered the Revolution saw the matter in a different light. Having taken a stand in 1776, they would not, unless forced to by pressing necessity, renounce independence. When presented with two alternative courses in May, 1778, they made the obvious choice. They had, on the one hand, the opportunity of joining with the French to fight for the independence of their country; on the other, the nation they regarded as an oppressive taskmaster held out all the concessions they had demanded before actual hostilities broke out. The English plan would have given the colonies a dominion status comparable to that which Canada obtained in the next century, but the Whigs saw only that independence was not granted. When Carlisle, Eden, and Johnstone arrived, the withdrawal from Philadelphia obliged them to negotiate from a distance, but the French-American alliance had already rendered negotiation impossible and Congress turned a deaf ear to their wooing. Never succeeding in arranging a meeting with any continental leader, but obstinately persisting in a hopeless errand, the commissioners served wonderfully as whipping boys for the Whig propagandists. If America was more united and more resolute in November, 1778, than it had been in May, the French alliance was not the sole cause.