A Graphic Case of Transatlantic Republicanism

Although primarily remembered as a portrait painter, Charles Willson Peale (1741-1827) was also a fervent republican who in his art and in his actions supported the colonial cause from an early date in the revolutionary crisis. Peale's political identification with the country, antipro proprietary party in Maryland can be traced to the 1760s when he was an artisan residing in Annapolis. Peale had struggled to support his family as a saddle-maker, upholsterer, silversmith, and watch repairer, and by the 1760s was just beginning to try his hand at portrait painting to supplement his income. In the bitterly contested election of 1764 for the Maryland Assembly, Peale supported the antiproprietary Samuel Chase against the court candidate George Steuart.

Despite "threats of persecution" from creditors who were court men, Peale joined the opposition Sons of Freedom. Peale later analyzed the court-country conflict of 1764 as a harbinger of the revolutionary crisis, describing the election as a "remarkable period in the annals of Annapolis . . . which greatly agitated the minds of every class of inhabitants of that city." He described the court party as enjoying an "ascendancy over the minds of the inhabitants, as to have any of their friends elected into any & every public office," and as possessing the "influence of office" and "the power of wealth [which] carried like a rapid stream all that fell within its Vortex."2

After the election, Peale's creditors made good their threats. In 1765, in order to avoid imprisonment for debt, Peale fled to New England. There he read a pamphlet by James Otis and assisted "in making emblematical Ensigns used at Newbury Port . . . in July

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1765” for a Stamp Act demonstration. He also met John Singleton Copley and strengthened his skills and his determination to become a portrait painter.\(^3\) In 1766, the political factionalism of the previous two years having subsided, Peale returned to Annapolis. By then Peale’s talents as an artist had grown considerably, and both court and country parties joined together for the honor of Maryland to assist the struggling artist. Peale was sent to England to study under the American artist Benjamin West. But while West cautiously stood aloof from politics and enjoyed the patronage of George III, his student refused to “pull off his hat as the King passed by” because of the passage of the Townshend Acts.\(^4\)

Peale’s most significant political act while in England was his portrait of William Pitt, Earl of Chatham. The Pitt portrait (Fig. 1) was commissioned by a group of Virginia planters, led by Richard Henry Lee, who sought an American artist to portray a British statesman who had been active in defending American rights. The painting would be placed in the lower house of the Virginia legislature. An artist was to be selected by Edmund Jenings, an English gentleman friendly to colonial interests, and the half brother of Peale’s friend and patron, John Beale Bordley. Jenings first selected Benjamin West to paint a portrait of Charles Pratt, Baron Camden, who had opposed the Stamp Act. When West was unable to paint Camden, Jenings then suggested that Peale, “a Young Man of Merit & Industry,” do a portrait of William Pitt. Peale used the opportunity to make a strong political and artistic statement.\(^5\)

Peale was not able to have Pitt sit for the portrait; he used a recent bust by Joseph Wilton as a model. His first artistic and political decision was selecting Pitt’s costume. Pitt had recently accepted a peerage, an appointment that not only weakened his leadership among English Whigs but damaged his popularity in the colonies. Peale decided to present his subject in classical dress, perhaps to associate Pitt with Roman republican heroes, but more likely to avoid painting him in the robes of an earl, a costume not likely to appeal to the Virginia planters.

\(^3\) Peale, Autobiography, 19-25, 40
\(^4\) Ibid., 27-36
Fig. 1
Westmoreland County Museum, Montross, Virginia.
The artist utilized conventional symbols from the eighteenth-century Anglo-American political vocabulary: Magna Charta, a statue of British liberty, busts of Hampden and Sydney, and an alert Indian representing America. Two features, explicitly republican in tone, are imposed on this standard symbolism. Occupying the background of the painting is the Banqueting House of Whitehall—from which Charles I had been led to his execution—a reminder of the regicide and revolution which had occurred when British law was violated by the monarch. There was also a "Statue of BRITISH Liberty trampling under Foot the Petition of the CONGRESS at NEW YORK." Peale explained this apparently improper action, "so contrary" to the spirit of liberty, in a broadside which accompanied an engraving of the portrait. Quoting Montesquieu he wrote that "the Painter principally intended to allude to the Observation . . . that the States which enjoy the highest Degree of Liberty are apt to be oppressive of those who are subordinate and in Subjection to them." The twin themes of violence and the fragility of liberty mark the portrait as a republican document.

After Peale returned to Maryland he completed four more portrait commissions from Jenings: Charles Carroll of Carrollton and his wife; John Dickinson; and John Beale Bordley. Jenings had requested that Peale include American flora and scenery in the backgrounds. Jenings's own political actions during the Revolution—placing John Adams' and his own pro-American writings in British newspapers—make it likely that he asked Peale to make Bordley's portrait a political statement like the Pitt painting and that he had been involved with Peale's devising the political symbolism in that painting. The portrait was to be sent to Jenings, perhaps to be shown to British statesmen friendly to the colonial cause.  

John Beale Bordley (1726/7-1804), lawyer and agriculturist, had been close to the Peale family since he had been a student of Peale's father in Chestertown, Maryland. Bordley held several important judicial and political posts in colonial Maryland, including judge of the Maryland Provincial Court in 1766, judge of the Admiralty in 1767,

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7 Butterfield, Faber, Garrett, eds, Diary and Autobiography of John Adams, II, 355-56n
and member of the Governor's Council during the administrations of Sharpe and Eden. Bordley's sympathies were firmly with the country party, as evidenced by his election to the Maryland Committee of Public Safety. Bordley, however, refused to serve. A deep, ingrained shyness and a strong distaste for the rough and tumble popular participation of Maryland's politics caused him to make his home on the 1,600 acre farm he had acquired on Wye Island, in the Wye River on the Eastern Shore. There he could put into practice his agricultural theories and turn his land into a model plantation.⁸

Peale began his portrait of Bordley in 1770 and continued to work on the painting the following year. On March 18, 1771, Peale wrote Bordley, indicating that he would visit shortly and would "do any thing you may think necessary to your Portrait." The last record of the painting occurs on April 20, 1771, when Peale wrote Jenings to say that he had, as much as possible, followed Jenings' instructions. The Carroll portraits included "Blossoms of the Dog Wood;" Dickinson's, the falls of the Schuylkill River. The Bordley portrait, Peale wrote, "needs no description," although Peale went on to explain his addition of a white plant, a flowering Jimson weed found in Virginia, which if eaten brought on madness and "violent" death. Perhaps Peale expected to make engravings of the portrait, and as with the Pitt piece, include a broadside explanation of the symbolism. For some reason, however, while Jenings acknowledged the other three portraits, the Bordley portrait was not mentioned. Instead, Jenings thanked Peale for a painting of "Mr. Bordley & His son." Perhaps Peale did not send the political portrait in deference to the planter's diffidence and retirement from politics. The Bordley portrait remained unlocated for almost two hundred years and was then discovered in an exhibition at the Ringling Museum of Art in Sarasota, Florida.⁹


The Bordley portrait (Fig. 2) can be said to represent what Peale, Bordley, Jenings, and perhaps other important colonial leaders thought to be the most important concepts of the colonists' opposition to Great Britain. Moreover, this portrait provides an unusual kind of republican expression. In defining and explicating the term *republicanism* historians have amply documented the transmission of ideas between England and the American colonies in books and pamphlets. The Bordley portrait, however, provides a graphic depiction of Anglo-American republican ideas. Furthermore the portrait can be used to illustrate how historians may interpret works of art as political and social documents.

The Bordley portrait should be viewed as Peale's American version of the Pitt portrait. It contains two strong themes of colonial opposition to British imperial policies, themes of particular concern to Bordley: agricultural plenty and self-sufficiency that would insulate the colonies from British economic restrictions and create a strong and independent people; and, a deep-seated reverence for English law. There is also the potential threat of colonial resistance symbolized by the Jimson weed. Bordley is portrayed as the gentleman farmer on his Maryland plantation. In contrast to the classical and British context of the Pitt work, the Bordley setting is rural and American. The formal altar of the Pitt portrait is replaced by a natural rock pedestal; the vertical lines in the background in the Pitt portrait, supplied by Whitehall and a massive Roman column, replaced by a large tree drawn in the form of Hogarth's "line of beauty." Only the statue of British liberty, symbolizing colonial reverence for British law, is retained in the American portrait.

Peale divided the portrait into two distinct and contrasting parts, each representing a theme of colonial opposition. The background is given over to the rural setting of the Eastern Shore, and it represents Bordley's agrarian republican ideal of staple agriculture and economic self-sufficiency: a pack horse loaded with agricultural produce, a peach tree, sheep in the fields, and a building under construction. Although by 1770 Bordley had retired from both law and politics and was to remain reticent about those subjects even during the Revolution, he was quite active in promoting agricultural reforms that in his mind related to the political crisis between Great Britain and her American colonies.

Fig. 2

In 1769 Bordley wrote “Necessaries: Best Product of Land: Best Staple of Commerce,” a pamphlet supporting an agricultural economy based on staples rather than cash crops (such as tobacco) or luxury items (such as silk or wine). The pamphlet, in addition to its agricultural content, is a clear statement of the agrarian republican ideal. In it Bordley observed that Maryland farmers who grew wheat instead of tobacco “became more happy and independent of the British store keepers who had kept them in debt and dependent.” He compared the “silk and wine” countries of southern Europe to the “bread and beer” countries of the north and found the former “miserably dependent on foreign countries for a supply from them.” Bordley drew a direct connection between an agrarian staple-producing nation in which the inhabitants were “well employed” and an independent and virtuous people.11

Peale used the foreground of his portrait for the second theme: the colonists’ legal arguments against the British empire. The tone of this part of the painting is in stark contrast to the almost pastoral scene of the background. Bordley, trained as a lawyer, appears stern as he points to a statue of British liberty, a reminder to the intended English audience that the American colonists are living under and protected by British law. As in the Pitt portrait, Peale resorts to a torn sheet of paper to symbolize a British legal violation. The paper, ripped in half by Bordley and lying at his feet, bears the inscription, “Imperial Civil/Law—Summary/Proceeding,” and was probably intended to symbolize the arbitrary proceedings by which the new customs duties after 1763 were being collected.

Occupying a central location in the foreground of the portrait, integral to its meaning, is an open book upon which Bordley’s arm rests. The book’s legible Latin inscription has been transcribed as “Notamus Leges Angliae mutari,” “We observe the laws of England to be changed.” Such a transcription indicates colonial opposition to a change in the British law that has already occurred. But the opposition would not be meaningful in a republican context. The republican opposition of the early 1770s sought to prevent any changes in the British law or constitution that would upset the balance in government and thus en-

11 In 1776 Peale made a fair copy of this pamphlet for the printer and it was published that year in Philadelphia. Bordley republished the pamphlet in 1799 and in a preface indicated that he had first written the piece in 1769. Miller, Hart, Appel, Papers of Charles Willson Peale, 167-68, Bordley, Essays and Notes on Husbandry and Rural Affairs (Philadelphia, 1799), 299-315
danger liberty. For Peale and Bordley to have acknowledged that change had occurred would, in a republican context, lead them logically from opposition to revolution—from protest within the British empire to the next step, open rebellion and independence from a nation which had become corrupt and lost its liberty.

The transcription errs in the verb "Notamus." The phrase instead should read, "Nolumus, . . ." thus producing a change in the tense of one verb and changing the phrase to, "We are unwilling that the laws of England be changed."12 British liberty, the symbolic statue to which Bordley defiantly points, remains tenuously intact; in 1770-71 its preservation is still the central tenet of republican thought. With the correct transcription of the "Nolumus" phrase, the Bordley portrait may be viewed not only as a simple statement of colonial opposition, but as a republican document designed to communicate a very specific message to an English audience presumed to know it contents.13

As a legal phrase, "Nolumus Leges Angliae mutari" dates back to the Statute of Merton in 1235. It was used in the barons' reply to the bishops who wished to alter the law regarding the illegitimacy of children born before marriage. There is no indication, however, that the phrase had become a common Latin tag used by lawyers.14 The phrase became significant in 1642 when Parliament issued the Nineteen Propositions demanding an increased role in the government. Charles I's Answer to the Nineteen Propositions argued that such an increased role for

12 For previous transcriptions, see Sellers, Charles Willson Peale With Patron and Populace, 55, and Edgar P. Richardson, "Charles Willson Peale And His World," 38, 40, in Edgar P. Richardson, Brooke Hindle, Lillian H. Miller, Charles Willson Peale and His World (New York, 1982) A letter, dated December 8, 1982, from John Lansdale of Harwood, Maryland, to John A. Mellin, a reporter for The Capital, an Annapolis newspaper, first called our attention to this Latin phrase Lansdale, who had read Mellin’s columns on Peale and had visited the Peale exhibition at the National Portrait Gallery, indicated in his letter that previous transcriptions of this phrase had all been incorrectly rendered as "Notamus." Mellin brought the letter to the offices of the Peale Family Papers at the National Portrait Gallery to ask if we knew the source of the phrase.


14 A S. Oppé, Wharton's Law Lexicon, 14th ed (London, 1938) A search of some of the most popular legal handbooks and dictionaries used in England and the colonies in the eighteenth century failed to turn up this phrase. See, for example, Giles Jacob, A New-Law Dictionary (London, 1729), Giles Jacob, A Law Grammar (London, 1744), Giles Jacob, Every Man His Own Lawyer (London, 1765), Thomas Blount, Nomo-Lexicon A Law-Dictionary (London, 1670)
Parliament would lead to the total subversion of the English constitution and concluded with the "Nolumus" phrase. The Answer startled both Royalists and Parliamentarians. Having rejected Parliament's demands, Charles enunciated a theory of mixed monarchy or mixed government. While claiming the monarch to be supreme, Charles acknowledged that the power to govern was shared with the two houses of Parliament. Theories concerning the mixed nature of the English constitution had previously been proposed by lawyers and scholars, but it was only after the King's public approval that such theories rapidly became accepted by both Whigs and Tories as the basis of the English constitution. The Answer was reprinted frequently in the seventeenth century. In the 1680s both the Nineteen Propositions and the Answer were used extensively in parliamentary debates regarding the nature and theory of mixed government. After 1689 Charles I's theory of mixed government may be said to have triumphed, for numerous pamphlets on the Bill of Rights referred to the Answer as the authoritative source.

Theories of mixed government have been known to appear during periods of turbulence and social instability. Charles I's interpretation resulted from the constitutional crisis preceding the English Civil War. Both Aristotle and Machiavelli, in propounding similar theories, praised mixed governments because such governments seemed the most resistant to rapid change and to decay. Thus, the constitutional consensus supporting the idea of mixed government in the seventeenth and eighteenth centuries contained within it a fear of change or decline. This same fear motivated the political forces opposed to the established government in both England and America. The Answer—with its code phrase "Nolumus"—came to be used by the republican opposition to refer to the dangers involved in any alteration to the mixed English constitution.

The Answer was reprinted in the eighteenth century in such popular works as Rapin's History of England. Writers like Montesquieu, Blackstone, Paley, and Burke elaborated on the theory of mixed gov-

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15 Corne Comstock Weston, English Constitutional Theory and the House of Lords, 1556-1832 (New York, 1965), 5, 23-4, 26-34, 37-38, 92, 92n, 113, 115
16 Lance Banning, The Jeffersonian Persuasion, 40-45
ernment as it had been expressed in the *Answer*. John Dickinson, who had had his portrait taken by Peale when Bordley did, used the phrase in his *Essay on the Constitutional Power of Great Britain Over the Colonies* (1774). Dickinson argued in this pamphlet against the "unbounded power" of Parliament. The colonies, he wrote, were accused of being "criminal" by refusing to acknowledge such power; but just the opposite was true. If they were to submit to parliamentary supremacy, they would be guilty of the greatest crime against themselves and their posterity. It would mean submission to a change in the existing laws of England, laws that protected and provided justice for British subjects throughout the empire: "NOLUMUS..." Although the pamphlet is heavily annotated, no source for the "Nolumus" phrase is provided. Dickinson evidently assumed that readers familiar with English constitutional law would be conversant with it and its historical context.

Historians of republicanism have recognized the importance of the *Answer* and have assumed that the colonists were familiar with the document as a literary source. There were, however, no American reprints of the *Answer* in the eighteenth century. Nor has much evidence been uncovered to show that the document was cited in the pamphlets of the Revolutionary era. The Bordley portrait—a graphic rather than a printed source—indicates that some educated colonists knew the phrase and its political meaning and had chosen to present it to an English audience as a prominent symbol of colonial opposition. Historians should sometimes turn to paintings as well as to traditional written sources to demonstrate the currency of ideas.

*The Peale Family Papers*  
*Sidney Hart*

18 (Philadelphia, 1774), 48-50