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## The Political Consequences of the Burning of the Gaspee

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In close pursuit of the sloop *Hannah*—suspected of evading the revenue laws—H. M. S. *Gaspee* went ashore on Namquit Point in the afternoon of June 9, 1772. Word of her plight soon spread in the little Town of Providence and the young merchants whose trading had been interfered with on many occasions by the arbitrary conduct of her commander determined to take advantage of the opportunity to destroy her. A party of townsmen under the command of Captain Abraham Whipple set out after dark in a flotilla of long boats furnished by John Brown and burned her to the water's edge. In the melee Lt. Dudingston was wounded and a distinguished historian has written that his was the first British blood shed in the American War of Independence.[1] Destruction of a British man-of-war and the injury of an officer were undoubtedly contributing causes to the mounting friction between Great Britain and the colonists. But the whole episode in all probability would have been forgotten if it had not occasioned the appointment of a Royal Commission clothed with authority to transport any suspect to England for trial. In the opinion of a noted authority "It was the sitting of the Court at Newport which disturbed the colonists more than the burning of the *Gaspee*, itself, although the burning of the vessel inspired the sitting of the Court." [2]

Within a few hours of the destruction of the schooner Governor Joseph Wanton issued a proclamation offering liberal rewards to anyone furnishing evidence sufficient to convict the offenders. No one came forward to claim the rewards, though it was impossible in a town of less than five thousand inhabitants to conceal the participants in such a conspicuous affair. Nothing came of this attempt to apprehend the culprits. But when the news reached England the King issued a proclamation offering £1,000 reward for the arrest and conviction of the two leaders and inducements to anyone who might implicate the rest and a commission was issued to Governor Wanton, Daniel Horsmanden, Frederick Smythe and Peter Oliver, chief justices of New York, New Jersey, and Massachusetts, and Robert Auchmuty, judge of vice-admiralty at Boston, to inquire and report on the facts. Six months had passed since the destruction of the schooner; three months had gone since the Rhode Island court, and even Admiral Montagu, had given up all hope of bringing the perpetrators to justice. Now the case was reopened by a court with powers which endangered judicial rights in all the colonies, viz., the power to seize anyone even suspected of complicity and to send them to England for trial and also instructions to the military to send troops to Rhode Island to back up the commission's demands.[3] Here was "a case of violated right bearing on the people of all the colonies" for which Sam Adams had been looking to fire the enthusiasm of the committees of correspondence.[4]

In contrast to the few days following the burning of the schooner in June, the news of the Commission and the accompanying letter from Lord Dartmouth, Secretary of the Colonies, to Governor Wanton, brought an immediate and violent explosion of sentiment. "The high commission court, the star chamber court, the court of inquisition, for the trial of the burners of the *Gaspee* at Rhode Island are the present topic of conversation. The Governor of that Colony has communicated to the assembly this letter from the Earl of Dartmouth. The Colonys are in great distress, and have applied to their neighbors for advice how to evade or sustain the shock," noted John Adams in his Diary for December 29th.[5]

The letter from Lord Dartmouth, dated September 4, was a severe indictment of the people of Rhode Island and caused as much comment as the news of the commission. In it he revealed the official attitude toward the incident when he said, "The particulars of that atrocious proceeding have, by the King's command, been examined and considered with the greatest attention; and although there are some circumstances attending it in regard to the robbery and plunder of the vessel, which, separately considered, might bring it within the description of an act of piracy, yet, in the obvious view of the whole transaction, and taking all the circumstances together, the offence is, in the opinion of the law servants of the crown, who have been consulted upon that question, of a much deeper dye, and is considered in no other light, than as an act of high treason, viz: levying war against the king." [6]

Governor Wanton presented this letter before the Rhode Island legislature in accordance with the colonial law,[7] and from there it got into newspapers all over New England. *Massachusetts Spy* or *Thomas's Weekly Journal* carried the major part of the letter on December 31. The *Newport Mercury* printed it on January 11, quoting the *Boston Gazette* as its source.[8] A British Bostonian, supposed to be John Allen, delivered "an Oration on the Beauties of Liberty" at the Second Baptist Church in Boston in which he openly attacked Lord Dartmouth. "If the Rhode Islanders suffer this infringement of their liberties, granted them by their charter from the King of England let them never complain of any hardships they may suffer from any tyranny; for was there ever such cruelty, injustice, and barbarity united against a free people before?" [9]

The label of treason attached to a group of Providence merchants (including John Brown), provided much cause for alarm and comment, but far more important to the colonies as a whole was the appointment of the Royal Commission. It was this that made the issue an American, not merely a Rhode Island affair, and offered a real threat to the rights and liberties of the colonists from the Canadian border to Georgia.

Under a Boston heading there appeared in the *Newport Mercury* on December 28 a clear statement of the feeling of Americans:

"The idea of seizing a number of persons under the points of bayonets and transporting them three thousand miles for trial. Where, whether guilty or innocent, they must unavoidably fall victims alike to revenge and prejudice, is shocking to humanity, repugnant to every dictate of reason, liberty and justice, and in which Americans and freemen ought to acquiesce.

If the burning of the *Gaspee* schooner was a matter of serious importance, much more so are the methods pursued by the British Administration in consequence of it. . . To have a set of crown officers commissioned by the ministry and supported by ships and troops to inquire into offenses against the crown, instead of the ordinary and constitutional method of a grand jury, carries an implication that the people of that colony were all so deeply tainted with rebellious principles as that they are not to be trusted by the crown." [11]

In the press and in private correspondence the newly commissioned court was referred to as a star chamber in memory of the days of Charles I, and a court of inquisition. It certainly was neither of these, but feeling ran high against a court which could resort to force if necessary and which could ride roughshod over all the existing

laws and legal procedure in Rhode Island's charter. A law passed in 1769 by the colonial legislature forbade the transportation of any person from the colony for trial,<sup>[12]</sup> and since 1763 it had been illegal to imprison or try a man except by his peers and the law of the colony. If the King could disregard these fundamental laws, America was completely at his mercy.

The alarm and opposition to the royal orders crystallized generally around three points in the commission. The first was the extra-legal character of the court which endangered all local law and which was set up in defiance of the regular courts; the second, the power to transport overseas for trial, which had been bitterly opposed before and threatened all the colonies; and the third, the orders issued to General Thomas Gage to be ready to march to the aid of the commissioners if he were needed.<sup>[13]</sup> The memory of the Boston "Massacre" in 1770, which occurred when troops were in Boston to enforce the revenue acts, was still fresh in the minds of the men of New England. There was also rumor that Admiral Montagu had sworn to lay Newport and Providence in ashes and now saw his chance.<sup>[14]</sup>

The commission gathered in Newport, where it would conduct its investigation, on January 5. Meanwhile a group of prominent citizens, including Darius Sessions, Deputy-Governor, and Stephen Hopkins, Chief Justice of Rhode Island, had been formulating the attitude which the citizens of the colony would take in regard to the commission. In a moment of despair they wrote to Sam Adams begging his advice on their course of action and asking "in what manner this colony [Rhode Island] had best behave in this critical situation."<sup>[15]</sup>

His reply was lengthy but to the point. He felt that the administration was seeking an excuse to take away Rhode Island's charter, and advised non-cooperation as the best course of action. Governor Wanton should refuse to call the Commissioners and write to Lord Dartmouth his reasons. Stating his long-founded fears of a war, he urged moderation to prevent its outbreak, but in the same breath warned against giving-in completely. The commission in Rhode Island must not become a precedent for violating charters at will: "It has ever been my opinion that an attack on the liberties of one colony is an attack on the liberties of all."<sup>[16]</sup> Here he shows the conviction that was growing in more and more hearts. Union of all the colonies was the only answer to English aggression. The commission sitting at Newport did much to help the cause by appearing during six months as a living example of the tyranny of Parliament and the King.

What he should do in case the commission turned to him for arrests was the chief concern of Stephen Hopkins, Chief Justice of Rhode Island. Was he to bow to their will and turn over his neighbors to the Admiral in Boston, acknowledging the legality of the commission, or defy the crown and refuse to make the arrests? He referred the problem to the Rhode Island legislature sitting at East Greenwich on January 11, but the answer came back to use his own discretion in the matter. He then rose and declared that "for the purpose of Transportation for Trial he would neither apprehend by his own Order nor suffer any executive Officers in the Colony to do it." He was never asked to support the conviction, because the commission never found anyone to arrest, but his position remained as an obstacle to any moves by it. As Dr. Stiles commented, no one could justify the burning of the *Gaspee*, but, on the other hand, no one ever thought of it as treason.<sup>[17]</sup> The extreme measures of the crown carried even the Chief Justice into the opposition camp.

On the morning of January 5, 1773, the five man court marched through the streets of Newport preceded by a group of naval officers who carried the commission in the absence of Admiral Montagu. They filed into the courthouse, heard the commission read, then proceeded immediately to the business at hand. During the next three weeks they sat daily going over the evidence which was extremely slim and

taking new statements from the old witnesses, but they uncovered nothing new that might lead to a conviction.

Admiral Montagu arrived on January 12, having carefully avoided Providence on his trip down from Boston, and came ashore on the morning of the 13th. His conduct during the whole proceedings had convinced the people of Rhode Island that he was in great part responsible for the royal action, and his arrival gave cause for minor outbursts of resentment. As the only one capable of holding any arrested prisoners, he had to be in Newport, but he only stayed a week, citing pressing business in Boston as the reason for his return.**[18]** While in Newport he accomplished little except making a fool of himself. When he did not receive the salute due an Admiral from the guns of Fort Adams, he immediately raised a commotion which brought only laughs from the colonists. Even his own subordinates condemned his arrogant display of pomp which instead of bringing admiration to the hearts of the people brought only ridicule.**[19]**

The task of gathering new evidence proved to be more than the commission, with all its powers, could handle. Anybody who had had any connection with the affair six months before kept discreetly silent or found some excuse for not appearing before the court. Seven of the witnesses summoned to appear in Newport pleaded absence because of old age, bad health, or business affairs, and those that did appear shed no new light on the case.**[20]**

After three weeks of futile investigation the commissioners "broke up [on January 21] having adjourned to 26th of May."**[21]** In a letter to Lord Dartmouth they gave inclement weather as their reason but in all probability it was the complete lack of evidence. Rumors of bribery by some merchants of Providence, anxious to prevent any arrests, circulated around Newport,**[22]** but no confirmation was ever established. In any case, the storm which had burst so violently upon Rhode Island in December had passed over, leaving only a few gentle breezes in its wake. No arrests had been made, nothing new had come to light, and it looked to all as though the Crown had once again been defeated in its designs to crush America.

Nathanael Greene, later a brilliant General in the Revolutionary Army, bitterly attacked the attitude of the Rhode Island Assembly towards the Commission in January, 1773, saying that the Assembly "seems to have lost all that spirit of independence and public virtue that has ever distinguished them since they have first been incorporated, and sunk down into a tame submission and entire acquiescence to ministerial mandates."**[23]** The Assembly, however, was willing to let the Commission proceed, for to interfere or make a hostile move at that time might well have brought General Gage marching down from Boston. It was better for some other colony to take the lead in protest against the court.

In spite of this apathy on the part of the people of Rhode Island when they saw nothing would result from the Commission's investigations, the leading men in other parts of the continent were not willing to let the matter drop. Although the Crown had failed to secure convictions in this particular case, a precedent had been established for dealing with acts of violence against the Crown officials that bode ill to the freedom of Americans. Before the Commissioners reassembled in May to continue their investigations, the machinery for a closer union of the colonies than had been in existence for eight years had been set up. The work of the court in promoting American liberty had been far more successful than its work on behalf of the Crown.

Because news traveled slowly in 1772, especially in the winter, the gentlemen of Virginia did not begin to hear rumors of the Rhode Island Commission until January, 1773, and even then the facts were obscured. Virginia was far away from New England both in miles and in spirit. Most Virginians looked on New Englanders as radical Yankees who were likely to do almost anything in defiance of English authority. They had been drawn together at the time of the Stamp Act Congress in 1765, but

since then the two divisions of America had drifted apart. Yet it was from Virginia that the next move came as a result of the Gaspee commission, after the assemblies of Rhode Island and Massachusetts had failed to act. The spirit of union for all the colonies had long been alive in the South, as was shown by the Virginia resolves of 1769, but the inactivity of the subsequent two years had lessened its force. The colonies had subsequently fought their individual battles with England.

Realizing this deplorable state of affairs, Richard Henry Lee on February 4, 1773, opened a correspondence with Sam Adams in Boston, motivated in great part by the spotty news of the Gaspee Commission and its powers. "To be firmly attached to the cause of liberty on virtuous principles, is a powerful cause of union, and renders proper the most easy communication of sentiment," he wrote. "At this distance, and through the uncertain medium of newspapers, we may never, perhaps, have received a just account of this affair [the destruction of the *Gaspee*]... and this [overseas trial] is so unreasonable, and so unconstitutional a stretch of power, that I hope it will never be permitted to take place while a spark of virtue or one manly sentiment remains in America."**[24]**

The *Virginia Gazette* printed articles second and third hand, taken from New England papers telling of the commission and condemning its unconstitutionality.**[25]** In this way-Patrick Henry, Thomas Jefferson, and Richard Henry Lee learned of the events in Rhode Island which soon became a topic of conversation among the men in the House of Burgesses.

The result of this discussion, one which was far-reaching in its effects, can best be shown by quoting the words of Thomas Jefferson in his autobiography:

But a court of inquiry held in Rhode Island in 1772 with a power to send persons to England to be tried for offenses committed here was considered at our session of the spring of 1773 as demanding attention. Not thinking our old and leading members up to the point of forwardness and zeal which the times required. Mr. Henry, R. H. Lee, Francis L. Lee, Mr. Carr **[26]** and myself agreed to meet in the evening in a private room of the Raleigh to consult on the state of things.... We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies to consider the British claims as 1 common cause to all, and to produce a unity of action: and for this purpose that a committee of correspondence in each colony would be the best instrument for intercommunication: and that their first measure would probably be to propose a meeting of deputies from every colony at some central place who shall be charged with the direction of the measures which should be taken by all.**[27]**

How large a part the Gaspee Commission had in producing this revolutionary step is extremely difficult to ascertain. It undoubtedly loomed large in the minds of the group in Virginia, but the hazy knowledge they seemed to have of its true powers and the circumstances surrounding its reason for being indicates curiosity rather than indignation. They realized a threat to American liberty was being launched in Rhode Island, but exactly what it was and how it was being countered they had no swift or sure means of finding out. Until they knew they could take no real action.

The realization that the colonies must stand together and unite against England, that the repeated attempts at taxation, revenue collection, and illegal judicial procedure would continue, certainly was present in the minds of the men in the Raleigh Tavern, for no one incident like the Rhode Island Commission could cause such revolutionary action. It was the many incidents of the eight-year fight with Parliament and the King which provided the background of resentment and concern, but it was the news of this further unwarranted act that forced the decision. Lee, Jefferson, and Henry were not fanatics like Sam Adams in Boston, who practically single-handed kept up the fight against England for almost two years. They were patriotic men, loyal to the King but first of all loyal to their countrymen. The idea of a committee of correspondence was

not new and the Virginians had the example of the Massachusetts committees started by Sam Adams in November, although they probably knew little about them.

Thus the Gaspee Commission provided a double impetus toward the formation of the intercolonial committees of correspondence. On the one hand, the scanty knowledge of such an important event convinced the Virginians that a swift and certain system of communication between the colonies was necessary; and, secondly, this latest attack on America showed them that union and cooperation was necessary. It took a violent threat against their very existence as free men to bring the colonists together.

*There is a worthwhile discussion of this subject in Origins of the American Revolution, by John C. Miller, pp. 325-29, published since this paper was written, ed.*

## -- Part 2 --

When Lord Dunmore, Governor of Virginia, finally called the House of Burgesses into session on March 4, Lee, Jefferson, Henry, Carr, and the others were ready with their motion for a committee of correspondence. Other matters occupied the first few days of the session, but finally on March 11, Dabney Carr put the motion before the House. Lee, Henry, and Jefferson all spoke strongly in its behalf and what seemed like a harmless motion passed almost unanimously. A standing committee of correspondence and inquiry of eleven members was to be appointed, "whose business it shall be to obtain the most early and authentic intelligence of all such Acts and Resolutions of the British Parliament, or proceedings of the Administration, as may relate to or affect the British colonies in America; and to keep up and maintain a correspondence and communication with our sister colonies, respecting these important considerations."**[28]**

It was further resolved "that it be an instruction to said committee that they do without delay inform themselves particularly of the principles and authority on which was constituted a court of inquiry, said to have been lately held in Rhode Island, with power to transport persons accused of offenses committed in America, to places beyond the seas to be tried."**[29]**

This committee differed from the Massachusetts ones in two major respects. It was appointed by and responsible to the legislature and functioned as an organ of that body, whereas the Massachusetts committees were chosen by the towns and had no connection with the General Court in Boston. The Virginia committee also was intended primarily as the beginning of an inter-colonial system by which the legislatures of the various colonies could communicate with one another and discuss measures of national concern. The Boston system under Sam Adams was formed merely to unite the towns within the colony and to discuss local as well as national issues. It was more personal and directly connected with the people and thus was in a better position to control public opinion. Adams hoped to extend his organization to all the colonies sometime in the future, for he was too great a patriot to confine himself or any revolutionary organization to one colony. The Virginia action merely brought its realization sooner than he expected.

The relative importance of these two systems in American history and the part each played in the assembling of the first Continental Congress in 1774 has been the subject of considerable debate between historians ever since. Neither system had time enough to become organized as a full time organ of national sentiment before being superseded by the Continental Congress, which absorbed most of the duties and value of the inter-colonial committees.

In some colonies the delegates to the Congress of 1774 were chosen by the legislature, and in these the standing committees took an important part. In others the delegates came directly from districts where the local committees, fashioned after the Massachusetts model, held sway. In Connecticut the legislative committee of correspondence chose the delegates directly. In New Hampshire, Virginia, New Jersey, Delaware and Maryland committees appointed by towns or counties met together and selected their representatives. In Massachusetts, Rhode Island, and Pennsylvania the Assemblies chose their men, while in New York the nominations were made in a vote by wards, and in South Carolina a general meeting sufficed. [30] The varying methods of appointing men to Congress employed by the eleven colonies which sent delegates show that both the legislative and local town committees of correspondence had a part in choosing the forty-five congressmen. How much of a part the committees played in the minds of Americans in the months preceding the elections as a means for union is almost impossible to answer.

The two systems, growing together, complemented each other, and each had its own role to play. To exclude one as a factor in forming the revolution in favor of the other is really looking at only one side of their existence. As Dr. Leake [31] points out, the Virginia committee had two functions as outlined in the resolution of March, 1773: first, to obtain authentic information of the acts of Parliament or the administration affecting or relative to the American colonies; second, to maintain correspondence with the other colonies. The assembly-appointed committees were in a better position to perform both of these tasks than were the local ones, for several of the assemblies were in direct communication with agents in London. Where the assembly committees left off the local committees took up the fight, passing the news along to the counties and villages in the colony. Because they were not responsible to anyone and because they had direct contact with the people, these town committees could be and were more revolutionary in their practice, opinions and methods. It was in them that the revolution was fostered, but where actions or motions by the elected assemblies were in order, the accompanying committees provided an excellent channel for passing abroad these motions and actions.

Whatever may have since been said to discredit the importance of the Virginia resolution of March 12, 1773, the news of its passage was acclaimed by Americans and supporters of American rights from Florida to Canada, and even from far off London. Although the session soon ended, the committees, consisting of Peyton Randolph, speaker of the House of Burgesses and later president of the first Continental Congress, R. C. Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Diggs, Dabney Carr, Archibald Carey, and Thomas Jefferson met the next day to prepare a circular letter to all the colonial legislatures, in accordance with the terms of the resolution. This letter enclosed a copy of the resolution and a request to all the colonies to appoint committees of their own to correspond with the Virginia committee.

The response from individuals was more immediate than from other colonies. Richard Henry Lee wrote to John Dickinson in Philadelphia on April 4 that he had little accurate knowledge of the proceedings in Rhode Island, but "they [the Virginia assembly] have now adopted a measure which from the beginning of the present disputes they should have fixed on, as leading to that union and perfect understanding of each other on which the salvation of America so eminently depends.... I sincerely hope that every colony in the continent will adopt the committees of correspondence and inquiry." [32] Sam Adams called it "a measure that I think must be attended with great and good consequences," [33] and said, "the reception of the truly patriotic resolves of the House of Burgesses of Virginia gladdens the hearts of all who are friends to liberty." [34] Samuel Cooper wrote to Benjamin Franklin, "Virginia has led the

way.... The letter from their committee was received here with no little joy, and the proposal agreed to in the most ready and respectful manner."**[35]**. Franklin, two months later, wrote home to Thomas Cushing, "There are brave spirits among that people. . . . It is natural to suppose, as you do, that, if the aggressions continue, a congress may grow out of that correspondence. Nothing would more alarm our ministers."**[36]** The minds of most men seemed to be dominated at the time by ideas of union and they saw in the Virginia suggestion the best means uncovered up to that time. Franklin's statement about the apprehension of the ministers is borne out by William Lee, brother of Richard Henry Lee, who writes from London, January 1, 1774, "it struck a greater panic in the ministers than anything that had taken place since the passage of the Stamp Act."**[37]**

The news of the Virginia Resolves was widely acclaimed in the other colonies, but not all of them responded immediately with official action by their respective assemblies. The *Newport Mercury*, which for over two months had been full of the constitutional argument between Governor Hutchinson and the Massachusetts legislature, now burst forth with the Virginia resolutions.**[38]** The Rhode Island Assembly, perhaps flattered by the importance accorded their colony, met on May 8 **[39]** and immediately appointed a committee to give other colonies information on the proceedings of the Commission and other acts.**[40]**

A letter in the *Newport Mercury* from the town of Boston to its newly elected representatives showed that Massachusetts would not be far behind. It declared, "We recommend to your serious consideration whether an application to the English colonies on this continent correspondent to the plan proposed by our noble, patriotic sister colony of Virginia (which in our opinion is a wise and salutary proposal) will not secure our threatened liberties and restore that mutual harmony and confidence between the British nation and the colonies."**[41]** The Boston committee sent a copy of the resolves to every town in the province.**[42]** It was only a matter of time until the Assembly met and joined the growing union. On May 28 it convened and immediately adopted the Virginia resolutions.**[43] [44] [45]**

Meanwhile, Connecticut on May 21 appointed a committee of correspondence "to keep up and maintain a strict and happy union with her sister colonies." The other colonies followed suit and by February 8, 1775, each of them had taken a stand on the Resolves.**[46]**

Thus for better or for worse the thirteen colonies found themselves closer to union than they had been for eight years. The threat of a united America and machinery to make it effective were brought into existence simultaneously.

As one by one the colonial legislatures were setting up their committees of correspondence, the ill-fated Gaspee Commission which had been the cause of so much ill feeling and concern and had accomplished so little, met again in the courthouse in Newport. Admiral Montagu excused himself again and transferred his authority to Captain Robert Keeler of the sloop *Mercury*, then in Newport Harbor. Like Dudingston, Keeler must have experienced the wrath of the merchants of Rhode Island for he dared not come ashore for fear of being arrested.**[47]**

On June 1, 1773, the Commissioners once more started gathering evidence. They received the depositions of William Dickinson and Bartholomew Cheever, two seamen from the *Gaspee* who had testified a year before. Testimonies were also taken from several men from Providence and a relative of the runaway negro Aaron Briggs who discounted the negro's story, but nothing new on which to base any conviction came to light. Four justices of the Superior Court of Rhode Island called upon by the Commissioners to examine the evidence, came to the same conclusion.**[48]** The only times any names were mentioned in connection with the crime were in the testimony offered by Aaron Briggs and Peter May, a seaman of the *Gaspee*. Briggs' testimony

was disproved, and May only mentioned someone named Greene, of whom there were many hundreds in the colony. The whole proceeding had been a fiasco, and if it had not carried with it such grave possibilities, it would have passed on without much notice. Realizing the absurdity of wasting more time over an impossible investigation, the Commission broke up on June 23, 1773, a little more than a year after the destruction of the schooner. They dispatched a report of their findings to the King and Lord Dartmouth, expressing again their intense loyalty to the Crown and their devotion to duty. The complete failure on the part of the Commissioners to produce any tangible evidence of worth indicates that in spite of their expressed zeal towards the job at hand they perhaps were not too eager after all to send fellow Americans to stand in Execution Dock. During the whole of the proceedings they were perpetually treading on thin ice, and, with the eyes of all upon them, they realized that one false move might bring disaster. If they had taken advantage of the power given them by the Crown to call troops from Boston, the revolution probably would have started in 1773 instead of two years later.

The Virginia Resolution and committee of correspondence also came as a warning which the Commission could not ignore. Before it assembled at Newport in May, 1773, two colonies had already followed the lead of the 'Old Dominion,' and sentiment in other colonies showed that they would not be far behind. The five Commissioners, all students of law and government, certainly read into the Virginia proposal the signs of a general union in Congress if a provocation arose.

Dr. Ezra Stiles, in Newport at the time, expresses this feeling in his diary.

"I apprehend something severe would have been done by the present Commissioners had not the Commission given an extensive Alarm to all the Assemblies upon the Continent, and occasioned the Resolutions and Measures proposed by the Virginia Assembly in March last, which are now circulating, and will undoubtedly become universal...These Assembly Committees will finally terminate in a General Congress, than which Nothing more alarming to the Ministry—and nothing more contributed to this and to establishing Union and Confederacy of the Colonies than this stroke which they all feel of sending for Persons 3000 Miles across the Water for Trial." [49]

This feeling, although almost prophetic, was the general opinion circulating at the time. The suggestion that the Commissioners were tempered in their investigation by the news from Virginia is certainly not out of place.[50] They were well aware of the states of mind of the colonists, who felt, as Dr. Stiles notes, "a Congress had been sure, if one person had been seized and carried off from Rhode Island." He also intimates that instructions from England "has contributed to letting the matter go off easily." [51]

Whatever the reasons for the failure of the Commission, it is quite certain that it was willing to break off the investigation and go home. In the report to the King the Commissioners disclosed the official reasons for their failure. They concluded "both from the unforeseen event of the *Gaspee's* running on shore, the suddenness of the undertaking and its accomplishment, and total want of evidence of even an intention to destroy her, that the whole was conducted suddenly and secretly." They tried in part to justify the act by saying "that in some instances Lieutenant Dudingston, from an intemperate, if not a reprehensible zeal to aid the revenue service, exceeded the bounds of duty," and closed the report with the statement that since the civil magistrates, to whom the Commission must turn for arrests, had flatly refused to make them on the strength of the evidence at hand, and since no new evidence seemed likely to be uncovered, they had ended the inquiry.[52]

W. R. Staples, in reviewing the case, is amazed by the complete lack of witnesses and evidence, for he says, "it would be doing a great injustice to the

memories and characters of Governor Wanton, Judges Horsmanden, Oliver and Auchmuty to suppose that they suppressed any evidence or did not exert themselves to the utmost to procure testimony.”[53] There certainly were plenty of witnesses available if only someone had given them away. Perhaps to do justice to the memories of the five Commissioners, the blame for the failure must fall on the stubborn people of Rhode Island. As Justice Horsmanden says in writing to the Earl of Dartmouth, "It would require a gentleman of very extraordinary qualifications and abilities to adventure upon the first arduous task for modelling them into due subordination and decorum.”[54]

Just as the news of the Commission had stirred up the colonists and had prompted them to action, so the complete failure of the Commission to take any unpopular—or what the Americans considered illegal—moves removed most of the incentive to that action. If the Virginia resolves of March, 1773, moderated the proceedings of the Rhode Island court in May and June, 1773, the collapse of the investigation slowed down the move toward a congress inherent in the resolves. It was left for the Tea Act, passed by Parliament in May, 1773, to incite the Americans to another act of defiance, the Boston Tea Party, in December, 1773. This brought such severe retaliation from England in the form of the five "intolerable" acts, that the union, which might have come in the summer of 1773, finally was achieved in the fall of 1774.

The Gaspee affair and Commission became a dead letter after June, 1773, but it had left its mark on the American political scene. The end of the proceedings is hailed as the end of the issue of Royal instructions.[55] The attempt of the King to rule the people of America by setting up extralegal courts was thwarted. It was obvious that such a court could do no better than the established ones, and only incurred the wrath and indignation of the colonists. "The late affair in Rhode Island" also stood on the statute books of several colonies in June, 1773, in connection with the resolutions appointing committees of correspondence, and would be brought up again during the next few months as, one by one, the colonies fell in line behind Virginia.

The intangible evidence is more difficult to trace but it exists just the same. The incident had excited considerable consternation along the coastline during the winter of 1773, and had served to convince the people that no mercy was to be expected from the King. Its part in creating a revolutionary organization starting in Virginia has already been traced. Whether, in the final analysis, it can be given an important role in bringing about the ultimate break in 1775 is a difficult problem to decide. When the clash started, so many events of importance had superseded the Gaspee affair that few people probably remembered the importance accorded it in 1773. As a British failure it was not nearly as ominous as other more recent successes. In Rhode Island the memory remained brightest. It was the second contribution that the smallest of the colonies made towards twisting the lion's tail, a contribution which under different circumstances might have been the most important. Yet in 1773 the colonies were not ready for war or independence. The Gaspee incident was one of the many which convinced them by 1776 that first war, then independence, was necessary.

#### Notes:

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2. Clarence S. Brigham, Sept. 8, 1943, to W. G. Roelker.
3. John R. Bartlett, *History of the Destruction of the Gaspee* (Providence, 1861), pp. 56-61).
4. Richard Frothingharn, *The Rise of the Republic of the United States* (Boston, 1872), p. 276.
5. John Adams, *The Works of John Adams*, C. F. Adams ed. (Boston, 1850), vol. 2, p. 307.
6. Lord Dartmouth to the Governor of Rhode Island. Bartlett. *op. cit.*, p.51.
7. Letter from Chief Justice Samuel Horsmanden to the Earl of Dartmouth, February 20, 1773, *Ibid.*, p. 130.

8. Bartlett, *op. cit.*, p. 51.
9. *Newport Mercury*, January 11, 1773.
10. [John Allen], *A British Bostonian. An Oration on the Beauties of Liberty.* (Boston, 1773). 3rd ed., p. 10.
11. *Newport Mercury*, December 28, 1772.
12. *Ibid.*, January 11, 1773.
13. Letter from Lord Dartmouth to General Gage, September 4, 1772; *The Correspondence of General Thomas Gage*, L. C. Carter, ed. (New Haven, 1931), vol. 2, p. 49.
14. *Newport Mercury*, December 21, 1772.
15. W. V. Wells, *The Life and Public Services of Samuel Adams* (Boston, 1865), vol. 2, p. 14.
16. Letter from Samuel Adams to Darius Sessions, December 25, 1772. in S. Adams, *Writings*, vol. 2, p. 389.
17. Letter from Dr. Stiles to Elihu Spender, February 16, 1773, in Stiles, *Diary*, vol. 1, p. 349.
18. Letter from Admiral Montagu to the Commissioners. January 19, 1773. Bartlett, *op. cit.*, p. 100.
19. *Newport Mercury*, April 26, 1772.
20. Bartlett, *op. cit.*, pp. 102-106.
21. Stiles, *Diary*, Vol 1, p. 338.
22. *Ibid.*
23. G. W. Green, *The Life of Nathanael Greene* (New York, 1867), vol 1, p. 43.
24. R. H. Lee to Samuel Adams, February 4, 1773. *The Letters of Richard Henry Lee*, J. C. Ballagh (New York 1911-14). Vol. 1, p. 82.
25. *Virginia Gazette*, January 21, January 28, February 18, 1773.
26. Dabney Carr, Jefferson's brother in law,
27. *The Works of Thomas Jefferson*, P. L. Ford, ed. (New York, 1904, Vol 1, pp. 9-10.
28. *Journals of the House of Burgesses of Virginia, 1773-1776.* J. P. Kennedy, ed. (Richmond, 1905), p. 28.
29. *Ibid.*, p. 28.
30. *Journals of the Continental Congress, 1774-1789* (Washington, 1904), vol 1, pp. 15-24.
31. J. M. Leake, "The Virginia Committee System and the American Revolution", *John Hopkins University Studies in Historical and Political Science*, Series XXXV, No. 1 (Baltimore, 1917), pp. 86-148.
32. Letter from R. H. Lee to John Dickinson, April 4, 1773, in *Lee Letters*, vol. I, pp. 83-84.
33. Letter from Sam Adams to R. H. Lee, April 10, 1773. in Adams. *Writings*, vol. 3, p. 27.
34. Letter from Sam Adams to R. H. Lee, April 10, 1773. in Adams. *Writings*, vol. 3, p. 35. Letter from Cooper to Franklin, April 14, 1773, in Franklin, *Works of Benjamin Franklin*, Sparks, ed. (Boston, 1840), vol. 8, pp. 49-50.
36. Letter from Franklin to Cushing, June 7, 1775. *Ibid.*, vol. 8, pp. 49-50.
37. Charles Campbell, *History of Virginia* (Philadelphia, 1860), p. 570; William W. Henry, *Patrick Henry* (New York, 1891), vol. 1, p. 168.
38. *Newport Mercury*, April 19, 1773.
39. R. I. Col. Records: vol. 7, p. 227 (note); Stiles, *Diary*, vol. 1, p. 373.
40. *Newport Mercury*, May 10, 1773.
41. *Newport Mercury*, May 17, 1773.
42. Letter from Sam Adams to R. H. Lee, April 10, 1773, Adams, *Writings*, vol. 3, p. 27,
43. *R. I. Colonial Records*, vol. 7, p. 230.
44. *Ibid.*, vol. 7, pp. 228-239.
45. *Ibid.*, pp. 287-88.
46. *Ibid.*, p. 234.
47. Admiral Montagu to the Commissioners June 14, 1773, Captain Robert Keeler to the Commissioners, May 27, 1773, Bartlett, *op. cit.* pp. 114-5.
48. Bartlett, *op. cit.*, pp. 114-24.
49. Stiles, *Diary*, vol. 1, pp. 384-85.
50. Tyler, *History of Virginia* (Chicago and New York, 1924), vol. 2, p. 115.
51. Stiles. *Diary*, vol. 1, p. 385.
52. The Reports of the Commissioners to the King, Bartlett, *op. cit.*, pp. 127-30.
53. W. H. Staples, *The Documentary History of the Destruction of the Gaspee.* (Providence, 1845), p. 55.
54. Letter from Chief Justice Horsmanden to the Earl of Dartmouth, February 20, 1773. Bartlett, *op. cit.*, p. 133.
55. Frothingham, *op. cit.*, p. 286.