

**Governor Francis Bernard and the Origins of the  
American Revolution.**

Paper delivered to Modern History Research Seminar  
Series, University of Edinburgh,  
Wed. January 28, 1998

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1998

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## 1

The future seemed bright for the English-born governor and onetime canon lawyer when, on a cold Saturday afternoon in February, 1763, Bostonians cheered as he walked out onto the small balcony of the Town House. He read aloud a brief statement, a royal proclamation, announcing that the long war with France was finally over. A “general Joy was difused thro’ all Ranks” of townspeople crammed into the streets below, reported one newspaper, before Francis Bernard politely took his leave of the crowd.

Only for the most pessimistic of New Englanders were the signs ominous. Looking on was a brilliant civil and maritime lawyer who had astonished peers with his audacity to challenge in court the legality of a vital instrument of royal government. James Otis Jr. would often confound his admirers with his unpredictability and vivacious mind, but of one thing he had never been more certain: the war’s end promised to awaken dormant conflicts of interest between the king’s loyal American subjects and an imperial government in London unappreciative of the many sacrifices they had made in the struggle against the French and the Indians.

Of particular concern to Otis was the role which royal officials like Bernard would play in Britain’s efforts to revitalise royal government. Bernard might invite the colonists to enjoy the benefits of empire, but his every word, his every step, seemed beguiling, and mindful of Britain’s hitherto postponed intention to reform the colonial system. The triumph of arms heralded America’s coming of age, with the prospect of sharing in the wealth of empire, but the people of the Massachusetts Commonwealth, Otis chided, must be vigilant in shadowing “weak and wicked” officials whose “Jealousies” and designs were fermenting “in the Blackness of Darkness.” Otis’s sickly colleague, Oxenbridge Thacher, had had similar bouts of pessimism ever since Bernard had become governor and Canada taken from the French: “we seem to be in that deep sleep or stupor that Cicero describes his country to be in a year or two before the civil wars broke out.”<sup>1</sup>

To those Americans who risked their lives and property in civil war and rebellion against British rule twelve years later, Sir Francis Bernard was the apotheosis of British colonialism and an implacable arch-enemy of the American struggle for self-

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<sup>1</sup>Adapted from *Boston Newsletter*, February 10, 1763; James Otis's speech on election as moderator of the Boston town Meeting, *Boston Newsletter*, March 24, 1763; Oxenbridge Thacher to Benjamin Prat, n.p. n.d., [1762], *Procs. MHS*, first series, 20 (1883), 46.

government. Bernard's adversaries included some of the Revolution's most venerated leaders, such as Otis's friend Samuel Adams, the most influential of Boston's popular politicians, and Samuel's cousin John, a promising lawyer and future U.S. president.

They and other patriots believed that the movement for American self-determination originated during Bernard's administration of 1760-1771, when the colonists first campaigned against the reform of the trade laws and the introduction of parliamentary taxation. Bernard's assurances that he embodied the patrician ideal of a non-partisan administrator were contradicted by the ease with which he made enemies: lawyers and legislators like Otis who thought him woefully ignorant of colonial interpretations of constitutional law; the merchants, whom Otis represented in the law courts, and for whom Bernard promised much and delivered little; and the artisans, caulkers, shipwrights, and labourers of Boston's wharves and ropewalks who were to become the lawyers' and merchants' most determined supporters.

Bernard was described as rapacious and devious by all but his most intimate friends in America. There is nothing extraordinary in Crown officials like Bernard being so verbally abused. He lived in an age where diatribe and parody were among the most effective political tools. But such astringency, as displayed by Otis, the Adamses, and other colonial leaders, was more than casual, for the accusations of disloyalty and treachery which Bernard and the New Englanders levelled at each other intruded in the formulation and execution of British colonial policy when sensitive diplomacy was required to prevent further deterioration in British-colonial relations.

First, Bernard was wrongly accused of hatching the hated Stamp Act, which introduced parliamentary taxation in 1765. Then the colonists uncovered more substantive evidence of Bernard's other misdemeanours: of colluding with corrupt customs officers to defraud the Treasury; of engaging in shady land dealings; and of turning British ministers and MPs against the Americans. It was widely believed that Bernard had engaged in a campaign of disinformation to blacken the characters of Massachusetts's political leaders--those who deigned to thwart his naked ambition. More seriously, it was said that Bernard had contrived to bring British Regulars to Boston in 1768 to deter rioters, by wilfully suggesting that popular resistance to the Stamp Act and Townshend Acts had brought the colony to the edge of rebellion and sedition. After the troops arrived, Bernard urged Britain to undertake a root and branch reform of the provincial legislature, judiciary, and magistracy, and the abolition of the cherished province Charter of government,

granted in 1691. The publication of Bernard's correspondence with ministers in April 1769, in which such baleful topics were discussed, was the immediate cause of his public disgrace. It prompted a sensational attempt by the Massachusetts legislature to have Bernard dismissed from office, and impeached by the Privy Council.

While Bernard was exonerated, the bitter controversy highlighted the extent to which disputes over Bernard's administration were integral to wider disagreements between the colonists and Britain over policy. Most colonists had come to the conclusion that well-connected royal officials such as Bernard were prepared to sacrifice colonial liberties for the sake of their own self-interest. One citizen was so moved by the fervour surrounding Bernard's ignominious departure as to scratch in a window pane that this day "August 2d 1769/The infamas/Govener left/our town."<sup>2</sup>

Saddled with a hostile, intransigent governor like Bernard, it is no wonder the colonists saw themselves as victims of a British conspiracy. In this context, Bernard Bailyn's seminal study of revolutionary ideology resolved the paradox of why relatively stable, prosperous colonial elites came to articulate the revolutionary doctrines of being at liberty to make and unmake governments and to dissolve the bonds of allegiance with the Crown.<sup>3</sup>

Francis Bernard, then, is historically important for who he was, what he did, and what he represented. Bernard experienced notoriety in his own lifetime and his "infamy" is, as it were, a historiographical truism in interpretations of the origins the Revolution.

The process of demonising Bernard was taken forward by patriot historians in the late eighteenth-century and completed by George Bancroft and other nationalist scholars in the nineteenth century. While these historians denounced the incompetence and corruption of Bernard, they paradoxically, attributed to him a near mastery of *real politick*; the net effect was to reinforce Manichean images of George III's servants and their American opponents in most popular historical writing.<sup>4</sup>

Provincial politics during Bernard's administration have been thoroughly researched. However, the enduring notion that the Revolutionary War of 1775-1783 was fought to preserve American rights and liberties from British encroachments has inevitably simplified interpretations of the roles of Crown officials

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<sup>2</sup>Museum artefact no.0170, MHS, and *Procs. MHS*, first series, 13 (1874-1875), 451.

<sup>3</sup>Bernard Bailyn, *The Ideological Origins of the American Revolution* (Harvard University Press, Cambridge, Mass, 1967), vi, 22-23, 109, 121-123, 279.

<sup>4</sup>George Bancroft, *History of the United States of America*, 3: 505, 4: 8, 101-122, 162-176.

such as Bernard. Most modern historians have, like their patriot and nationalist counterparts, held Bernard responsible for exacerbating disputes over colonial policy and government.<sup>5</sup>

Bernard has had his apologists--family members<sup>6</sup> and former loyal associates<sup>7</sup> in the main--who sought reasons for his unpopularity in structuralist interpretations of colonial politics. In their view, Bernard's loyalty to the Crown was never negotiable: despite his dedication to office, the sheer unpopularity of British colonial policies and the strong, independent-minded ways of the Massachusetts assembly and towns rendered Bernard's position ultimately untenable.

Bernard's political role--his involvement in Massachusetts's internal affairs and his part in the formulation of British colonial policy--has never been fully addressed by historians. My research aims to answer a simple question---what were the political and ideological reasons for Bernard portraying otherwise sensible, law-abiding merchants, farmers, lawyers, and artisans as rebels?--and proceeds from the assumption that Bernard was more than a cog in the mechanism of government, but was, as the colonists maintained, an astute and calculating politician.

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<sup>5</sup>The most detailed account of colonial politics during this period is Leslie J. Thomas, "Partisan Politics in Massachusetts During Governor Bernard's Administration, 1760-1770," Unpublished Ph.D. Dissertation, University of Wisconsin, 1960. See also Stephen E. Patterson, *Political Parties in Revolutionary Massachusetts* (University of Wisconsin Press, Madison, Wisc., 1973), 52-65; Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (Routledge & Kegan Paul, London, 1973), esp. 51-53, 73-74, 151-157, 198-227; Dirk Hoerder, *Crowd Action in Revolutionary Massachusetts* (Academic Press, London, 1977), 84-117; William Pencak, *War, Politics & Revolution in Provincial Massachusetts* (Northeastern University Press, Boston, 1981), 172-174, 185-206; Francis G. Walett, "The Massachusetts Council: The Transformation of a Conservative Institution," *WMQ*, 6 (1949), 605-627; Bernhard Knollenberg, *Origin of the American Revolution, 1759-1766* (rev.ed., Free press, New York, 1961), 184-186; Bailyn, *The Ordeal of Thomas Hutchinson*, 35-37, 57, 62-6, 72; John C. Miller, *Origins of the American Revolution* (ed. Stanford University Press, Stanford, Calif., 1959), 238-239, 263; Robert Middlekauf, *The Glorious Cause: The American Revolution, 1763-1789* (Oxford University Press, Oxford & New York, 1982), 85-88, 157-158, 162-163.

<sup>6</sup>A biography of Bernard by his son Thomas and a family history by his great-grand daughter Elizabeth Napier Higgins had very limited circulations. Their "defence" of Bernard rested somewhat naively on quoting long extracts from Bernard's papers - including documents once cited by the Whigs as evidence of his perfidy- with little analysis and interpretation; neither they nor the only modern (unpublished) biography by Jordan D. Fiore examined Bernard's political role in much depth. Thomas Bernard, *Life of Sir Francis Bernard* (privately printed, London, 1790) and Mrs Napier [Sophie Elizabeth] Higgins, *The Bernards of Abington and Nether Winchenden: A Family History* 4 vols. (Longmans, Green & Co., London 1903-1904); Jordan D. Fiore, "Francis Bernard, Colonial Governor", Unpublished Ph.D. Dissertation, Boston University, 1950

<sup>7</sup>Bernard Bailyn, *The Ordeal of Thomas Hutchinson* (Belknap Press of the University of Harvard Press, Cambridge, Mass., 1974); Carol Berkin, *Jonathan Sewall: Odyssey of an American Loyalist* (Columbia University Press, New York and London, 1974).

In short, Bernard's alleged duplicity, self-aggrandisement, and transparent bouts of pique disguised an urgent quest to educate policy-makers in Whitehall and Parliament that royal government in Massachusetts was on the verge of collapse. To address this situation, Bernard argued that successive ministries required to cultivate, through the governor's office, the political support of a hitherto silent but substantial body of political opinion in the colonies--the so-called "friends of government"--men who were inimical to the radicals' position on imperial affairs, yet sceptical of the expediency and propriety of current British policies. A second, complementary issue concerned Bernard plans for the reform of the entire colonial system, which were intended to curb the political powers of the assemblies and towns, where resistance to parliamentary authority was considered strongest.

Bernard's failure to inspire the friends of government or fashion a pro-government coalition in Massachusetts had adverse consequences for British-colonial relations. It left the provincial administration politically isolated and ineffective. However, as Bernard's standing in Massachusetts deteriorated, his influence in London increased. The realisation that Bernard was facing a well organised protest movement prompted Britain to adopt a more hawkish colonial policy. On several occasions--in 1768, in 1770, and in 1774-- when officials and ministers were devising some means to deter resistance to British policies, Bernard's analyses of colonial affairs, and his numerous proposals for action, proved informative and instructive, though not inspirational.

## 1.

The principal biographical details of Francis Bernard's life are reasonably familiar to historians of the American Revolution. Bernard was the son of an Anglican rector, but both his natural parents died while he was still a child. He was raised largely by his mother's second husband, a scholarly cleric, and a maternal aunt. He was educated at England's oldest public school, Westminster, before entering Christ Church College, Oxford. After training at the Inns of Court, he married into an aristocratic Presbyterian family. A lawyer by profession, Bernard left the town of Lincoln in the East Midlands in 1758, at age forty-six, to become governor of New Jersey; within eighteen months, he was promoted to the governorship of Massachusetts.

A portly man of medium height, Bernard was depicted by Copley at sixty years of age, full of face with ruddy cheeks and aquiline nose, dressed in the velvet coat of an English squire and a barrister's short periwig, without the regalia of office his daughter Julia thought lent him a more "dignified and

distinguished . . . appearance and manner.” Julia’s father had enjoyed “robust health” in the colonies, and there is no trace in his visage of the stress induced by nine turbulent years as governor of Massachusetts; within two years Bernard suffered a stroke that effectively ended his involvement in public affairs and left him prone to epilepsy. The confident, prepossessing mien, which the colonists thought conceited, can also be seen in the earliest known portrait of Bernard, commissioned probably after he graduated from Oxford aged twenty-four or when he was called to the bar in 1737.<sup>8</sup> He had good reason why, on the threshold of a legal career, he might appear self-satisfied and eager. For until he entered the law, Bernard’s prospects had been uncertain.

Bernard was an intelligent, well-educated, earnest, self-assured man when he arrived in America. By all accounts, he was a devoted father to his ten children, and faithful husband to his delicate graceful wife Amelia. A patron of the Church of England and the liberal arts, he proved himself also an architectural draughtsman of some distinction--qualities which earned him some muted respect in the colonies.<sup>9</sup> Lieutenant-governor Thomas Hutchinson thought Bernard an agreeable companion and a good story teller, but the governor was not a naturally gregarious man in America.<sup>10</sup>

For now, it is important to examine Bernard’s English origins and consider the extent to which the formative experiences of the governor’s life in England shaped his later responses to colonial Americans. According to nationalist interpretations of the Revolution, the antipathy which existed between Bernard and the New Englanders can be explained largely by basic cultural differences between the ruling British elite and Yankee farmers, merchants, and artisans they eventually fought on the battlefield. To Bancroft, for example, Bernard was an exponent of the *ancien regime*, who desired nothing less than the Anglicisation of colonial life.<sup>11</sup> Modern historians, however, have proffered another view of Bernard: that of an ambitious social climber and administrator, ill at ease

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<sup>8</sup>Higgins, *The Bernards*, 1: 283; 2: 301. Two out of three portraits of Bernard are extant. The missing one, also by John Singleton Copley, Bernard donated to Harvard College Library after the fire of 1764, but it was mutilated by students in October 1768 in protest at the arrival of British troops in Boston. Bernard presented Copley’s other piece to Christ Church, Oxford, in 1772, when he was honoured with the degree of D.C.L. Albert Matthews, *The Portraits of Sir Francis Bernard* (The Club of Odd Volumes, Boston, 1922). *Procs. MHS*, second series, 4 (1887-1888), 61.

<sup>9</sup>See Thomas Bernard, *Life of Sir Francis Bernard* (privately printed, London, 1790) and Mrs Napier [Sophie Elizabeth] Higgins, *The Bernards of Abington and Nether Winchenden: A Family History* 4 vols. (Longmans, Green & Co., London 1903-1904).

<sup>10</sup>Bailyn, *The Ordeal of Thomas Hutchinson*, 17.

<sup>11</sup>George Bancroft, *History of the United States of America from the Discovery of the Continent* 6 vols (ed. London, 1876), 3: 347; 4: 163-164.

with robust Calvinist Yankees, and interested only in his personal aggrandisement. Edmund and Helen Morgan, in one of the most perceptive studies of Bernard's administration, labelled the governor a "parvenu"--an egotistical snob--who knew not, or cared, why the Yankees disliked him so.<sup>12</sup> Bernard's only modern biographer, Jordan D. Fiore, concluded that Bernard was generally no better or worse than the corrupt "civil servants" who ran the British government and filled senior administrative posts in the colonies. Bernard's unwillingness to "modify his devotion to English manners, customs, and political ideals," Fiore argued, left him singularly unable to "appreciate the American point of view."<sup>13</sup>

Bernard was left an orphan at a young age and had no patrimony to speak of on reaching adulthood. But his aspirations of social mobility matched the stability of Georgian England, where opportunities for bright young lawyers such as he abounded. Bernard was singularly adept at exploiting patron-client relationships to win offices in the Church of England and local government before embarking on a new career in colonial administration.

Bernard's pursuit of offices, estates and fortune in England and America was unextraordinary for someone of his background who was dogged by financial insecurity. But his participation on the fringes of British colonial policy-making and parliamentary politics were assuredly earnest achievements. For many such talented professionals --"superior flunkeys" as Roy Porter calls them rather than "parvenus"--membership of the provincial and political elites was facilitated by economic dependency on the elite, sycophancy, and clientage. Bernard fully embraced these social conventions in his relationships with his social superiors, and in the colonies exuded attitudes which Porter has called an *arriviste* pride.<sup>14</sup> Bernard was the epitome of the "superior flunkey."

Second, Bernard's inflated sense of self-worth and superiority, which Americans found so irritating, was largely defined and shaped by the ideological cohesiveness of the gentry and aristocracy of the east Midlands. Several of his friends and

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<sup>12</sup> Edmund S. Morgan and Helen Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Collier Books, New York, 1963), 19-35. John W. Tyler, *Smugglers & Patriots: Boston Merchants and the Advent of the Revolution* (Northeastern University Press, Boston, 1986), 7; Hiller Zobel, *The Boston Massacre* (ed. Norton, New York, 1970), 6-7.

<sup>13</sup>Fiore lapsed into romantic nationalism in contending that the political successes of the revolutionaries attests to their superior strength of character when measured alongside Bernard's deficiencies. Jordan D. Fiore, "Francis Bernard, Colonial Governor", Unpublished Ph.D. Dissertation, Boston University, 1950, vi, 452-453, 465.

<sup>14</sup>Porter, *English Society in the Eighteenth-Century*, 21, 64-66, 86.

patrons--the Monsons of Lincolnshire, his wife's cousin, Lord Barrington, and several friends on the Bench--were involved in government, some in formulating colonial policy. Thus at an early stage Bernard was encouraged to think that his pronouncements on colonial affairs might meet a receptive audience in Whitehall.

Third, Bernard's career was made by and coincided with the rise of the Whig ascendancy in British politics which withstood factionalism, rebellion, and civil disorder several times over in his lifetime. Though his parents had flirted with Jacobitism, Bernard was a conservative whig not a tory as his colonial critics alleged. He countered the spread of radical political ideas in the colonies with his own brand of conservative whiggism. Like all beleaguered conservatives, he defended that which he knew best, proscribing as rebels all those who might dare challenge the very institutions which were the font of the liberties and "rights of Englishmen" that Americans held so dear.

Bernard's appreciation of his own English identity and place in the hierarchical eighteenth century world were indeed principal reasons for his unpopularity with the colonists. He could never understand why Americans railed so much against a system of patronage which was the bedrock of British government and politics.

As his American critics rightly claimed, Bernard's appointment as a colonial governor was consistent with the exclusive nature of British government, where power in the centre rested with a largely aristocratic elite and the mundane functions of public administration at home and in the colonies were carried out by men of lesser social standing, such as Bernard, who had only half-formed notions of acting as "disinterested." civil servants.<sup>15</sup>

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<sup>15</sup>Appointments to minor and major offices were made for a variety of reasons, but it would erroneous to think of these men as being public servants in a modern sense (as Fiore thought of Bernard). Many were "king's friends"--political appointees--whose loyalty to George II or George III was more significant than their willingness or ability to carry out the job for which they were selected. "Professionalisation" was most prevalent in central government departments such as in the Admiralty, the Customs Board, and the Plantation Office. Bernard's friend, John Pownall, is perhaps the best example of a professional clerk who rose to become Undersecretary of State for the American Department, in 1768. His career transcended party politics, even though government departments were considered to be within the patronage "domain" of the secretaries of state, and he exerted considerable influence on policy-making during the 1760s and 1770s. On the other hand, the fortunes and careers of men tied to politicians, like Thomas Whately, acleint of George Grenville, rose and fell in tandem with those of their masters. Neither Pownall nor Whately can be considered "king's friends" since the origin of their appointments and career advancement owed nothing directly to the king's patronage. Franklin B. Wickwire, "King's Friends, Civil Servants, or Politicians," 18-42; Franklin B. Wickwire, "John Pownall and British Colonial Policy," *WMQ*, 20 (1963): 543-554.

It took another ambitious lawyer, James Otis Jr., to explain clearly why Bernard's cultural baggage antagonised Americans so. Bernard, screeched Otis, was an "*Oxonian, a bigot, a plantation governor.*" Following in the traditions of tory Oxford, Bernard's "favourite plans," were "filling his own pockets at all hazards, pushing the prerogative of the crown beyond all bounds, and propagating high church [of England] principles among good peaceable Christians."<sup>16</sup> On another occasion--during one of the most intense and turbulent town meetings in Boston's colonial history-- Otis purportedly delivered a wonderfully sarcastic piece on the British elite and their "superior flunkeys" like Bernard.

Pray what are those Men? -They have Titles 'tis true, They are rais'd above those whom they are pleas'd to stile the Vulgar - they have Badges to distinguish themselves- the unthinking Multitudes are taught to reverence them as little Deities -for what?-not their Virtues sure.- this cannot be the case -it is notoriously known there are no set of People under the Canopy of Heaven more venal, more corrupt and debauch'd in their Principles - Is it then for their Superiour [sic] learning? no, by no means -Tis true they are sent to the Universities of Oxford and Cambridge -and pray what do the Learn there? -why- nothing at all but Whoring, Smoaking and Drinking - a Pious setting out truly - Seven or Eight Years spent to a fine Purpose indeed . . . .what are those mighty Men that affect to give Laws to the Colonies? --a parcel of Button-makers, Pan-makers, House Jockeys, Gamesters, Pensioners, Pimps and Whore Masters.<sup>17</sup>

Undeniably, Bernard's English origins--his ambitious streak, his education, his religious denomination, and his career in public administration--represented everything which Otis came despise in the British imperial elite. When Bernard warmly defended the royal prerogative and the legitimacy of a loyal opposition, Americans chose to ignore the second and condemn the first; so too when he stressed the centrality of the Church of England in the life of his native land and revelled in Britain's growing imperial power. In these respects, Americans suspected Bernard's political thinking reflected a tory renaissance in England. Bernard may have been a conservative whig but to

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<sup>16</sup> Otis to Jasper Mauduit, October 28, 1762, in Worthington C. Ford, "Jasper Mauduit Agent in London, 1762-1765," *Coll. MHS*, 74 (Boston, 1918), 77-78;

<sup>17</sup> Minutes of the Town Meeting of Boston, New England, September 12, 1768, New England Papers, II, f.81, Sparks MSS 10.

New Englanders, raised in the Puritan traditions of consensual, participatory government, his energetic confrontational defence of the supremacy of the imperial Parliament marked him out as an inflexible tory. Bernard, though, was by no means immune to New World influences and was actually more careful in advocating the prescriptive tenets of whig ideology and British imperialism than the vociferous criticism he attracted might suggest.

## 2.

Bernard's brief tenure as governor of New Jersey is historically important for its short-lived success in resolving the competing demands of imperial policy-makers in London and vested interests in the province over the colony's contribution to the prosecution of the French and Indian War.<sup>18</sup> The decline in Bernard's fortunes when he left New Jersey tends to oversimplify his achievements there. Bernard was a novice in colonial administration and his years in New Jersey were a tough apprenticeship, Bernard won respect because of his pragmatism in adapting quickly to the pluralist nature of New Jersey politics, and for attending to the concerns of the elite. His administration is noteworthy for the absence of fractious politics because circumstances dictated that he address issues common to all ethnocultural groups--English Quakers and Anglicans, Scots Presbyterians, and Dutch Calvinists,--and also because he was able to worked together with dominant ethnocultural groups on the most important issues.

Like other governors, much of Bernard's time was taken up with the difficult problem of persuading the New Jersey assembly to part with resources needed to keep Britain's war effort afloat. Bernard's first major success was to assist in negotiating a peace treaty with the Delaware Indians and other disaffected tribes. The respite in hostilities along the frontier of colonial settlements allowed the New Jersey assembly to continue to provide considerable financial and military aid to the

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<sup>18</sup> The most detailed studies are Fiore, "Francis Bernard, Colonial Governor," 27-63, 454-458 and Donald L. Kemmerer, *Path to Freedom: The Struggle for Self-Government in Colonial New Jersey, 1703-1776* (John E Edwards, Cos Cob, Conn., 1968), ch.14 "Francis Bernard, Model Governor, . . ." 256-266. See also Aeilte E. Sents, "Francis Bernard and Imperial econstruction", Unpublished Ph.D. Dissertation, University of Missouri, Columbia, 1973, 32-42; John E. Pomfret, *Colonial New Jersey, A History* (Charles Scribner's Sons, New York, 1973), 174-175; Paul A. Stillhorn and Michael J. Birkner, eds., *The Governors of New Jersey 1664-1974: Biographical Essays* (The New Jersey Historical Commission, c. 1982), 63-65; Burns, *Controversies Between Royal Governors and their Assemblies in the North American Colonies*, 409; Purvis, *Proprietors, Patronage, and Paper Money*, 170.

Crown. Bernard's second test, the matter of preventing the assembly funding regiments with currency was more politically sensitive, but he engineered a short-term compromise acceptable to both Britain and New Jersey, whereby the ministry modified its currency policy and the assembly agreed to issue bills of credit under specific restraints. The New Jersey legislature considered Bernard as an accomplished advocate of provincial interests, whereas in Massachusetts, he was to be accused of mismanagement and corruption.

### 3.

New Jersey had been a sobering experience in the politics of colonial administration. The governance of empire, Bernard trusted, would not prove so taxing in Massachusetts. Bernard's path of good intentions was signposted with a conviction to remain above internal disputes, to avoid the hazard of interfering too much in the business of the legislature, and to promote colonial interests generally. As he strove to realise these objectives, Bernard preferred to appeal to the colonists' sense of imperial identity and their loyalty to the king than to engage in covert political management. "Party is no more," Bernard announced, "it is resolved into Loyalty. Whig and Tory, Court and Country are swallowed up in the Name of *Briton*; a Name which has received an additional honour by his majesty's [George III] public assumption of it."<sup>19</sup> Bernard's design to establish a "broad bottom" administration reflected his own understanding of the reason why the Duke Newcastle had enjoyed such a long administration in England. Bernard, like the duke, regarded the liberal disbursement of patronage posts as one sure means of building up a loyal core of support and of institutionalising dissent from other quarters.

The efficacy of such an approach was undermined when the colonists began to divide over several contentious issues concerning the application of imperial authority in Massachusetts's polity. Opposition to Bernard was led by the popular party in Boston, based on the town's "caucuses" and merchants' committees. Merchants, traders, professionals, and artisans were alarmed by the concentration of power in the hands of the Hutchinson-Oliver clique. In the legislature too, political divisions increasingly reflected antagonistic positions on British colonial policy between the governor's so-called "court" faction and the "popular" or "country" party led by the Otis family. As Marc Egnal has shown, the French and Indian War

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<sup>19</sup>*Boston Newsletter* June 4, 1761.

changed the terms of political debate by focusing attention on the possibilities--and the obstacles in its path--for American commercial expansion.<sup>20</sup>

Massachusetts' governors had few legitimate political tools at their disposal to enforce the royal will on a recalcitrant assembly or council. In short, as Bernard quickly realised, the political weakness of royal governors was a consequence of the growth in power of the assemblies and the provincial elites. Governors would normally expect to work with rather than against established local networks of elite office-holders in the Massachusetts towns, but the weakening of deference tended to circumscribe the effectiveness of these networks. Traditional notions of deference to an entrenched elite, which acted as a counter-weight to grass roots involvement in provincial and municipal affairs, were being diluted by increasing popular participation in politics. Of particular concern to royal officials in Massachusetts was, by English standards, the comparatively wide franchise in provincial and local elections.<sup>21</sup> The distribution and locus of political power in colonial America, therefore, could not sustain any notion of a monarchical, socio-political hierarchy on English Walpolean models, however much Bernard or any other Briton might yearn for such.<sup>22</sup> Moreover, Bernard became apprehensive that partisanship and the onset of popular protests against British colonial policies were bringing about a redistribution of political power in the towns and in the assembly.

#### 4.

The dispute over the enforcement of the trade laws and the introduction of a stamp duty was the first of several issues which Bernard suggested Britain might treat as pretexts to reorganise the empire and resolve at least some of Americans'

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<sup>20</sup>Marc Egnal identifies two elite groups of opinion, discernible by their discursive thoughts on the future prospects of America within the British empire: the "expansionists," mainly "country" leaders like the Otises, who expressed a "fervent belief in America's potential for greatness,"--many of whom became patriots when war broke out--and "nonexpansionists", including court men and future loyalists like Hutchinson, "affluent citizens . . .with little faith in America's ability to assert itself in a world of antagonistic concerns," without the economic and military protection afforded by the British empire. Egnal, *A Mighty Empire*, 6-7.

<sup>21</sup>For a discussion of these themes see Richard R Beeman, "Deference, Republicanism, and the Emergence of Popular Politics in Eighteenth-Century America," *WMQ*, 49 (1992): 403-430; Bushman, *King and People*, 80-81; Ellis Ames, "The Provincial Charter of Massachusetts," *Procs. MHS*, first series, 10 (1867-1869), 370-375.; Edward M. Cook Jr. In *Fathers of the Towns: Leadership Structure in Eighteenth-Century New England* (Johns Hopkins University Press, Baltimore and London, 1976), 10-37, 80-84.

<sup>22</sup>See Bushman, *King and People*, 76-85.

grievances. For Bernard and other advocates of colonial reform, the end of the French Wars was an opportune moment for Britain to have begun the reconstruction of colonial administration. The Seven Years War, as Richard Middleton has shown, did not make imperial administration any more effective in overcoming the basic limitations of geography and poor lines of communication.<sup>23</sup> (More often than not, non-controversial matters would lie in abeyance for several months with one or other of the agencies involved in colonial policy-making.<sup>24</sup>) In general, the stimulus for administrative reform in the early 1760s derived largely from the widely recognised need to improve the efficiency of royal government, maintain imperial security, and raise some revenue.. Long before either Bernard or the colonists knew for certain that a stamp tax was to be enforced by parliament, Bernard advocated that the British government take pre-emptive action to assuage American concerns over taxation.<sup>25</sup> Bernard's interim solution was that provincial assemblies should determine their own taxes for internal government and American representation in parliament be established.<sup>26</sup> The rest of Bernard's proposals were more controversial, intended as they were to undermine the political power of the colonial assemblies that trammelled royal government.

Lords Barrington, Halifax, and Hillsborough were certainly attracted to Bernard's plans, but more from curiosity than enthusiasm for radical reform. They were probably annoyed by his criticism of the molasses duty, but listened attentively nonetheless. Arguably, the advice of customs officials Benjamin Hallowell and John Temple, and subministers like Thomas Whately, was more important in convincing Grenville to ignore colonial opposition to the prospective stamp tax.<sup>27</sup> The Rockingham ministry, which took office in June 1765, had no incentive to reconstruct colonial administration when it was preoccupied with American resistance to the stamp tax.<sup>28</sup> Only when, two years after the repeal of the Stamp Act, American resistance to parliamentary authority showed little sign of abating, did Hillsborough set out to convince the Grafton-

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<sup>23</sup>Middleton, *Bells of Victory*, 215.

<sup>24</sup>Alison G. Olson, *Anglo-American Politics, 1660-1775: The Relationship between Parties in England and Colonial America*, 161.

<sup>25</sup>For example see Sents, "Bernard and Imperial Reconstruction," 73, 75, 88-89.

<sup>26</sup>Bernard, *Life of Bernard*, 44-48.

<sup>27</sup>Bullion, *A Great and Necessary Measure*, 180, 205; Morgan and Morgan, *Stamp Act Crisis*, 79-80. 84.

<sup>28</sup>Barrow, *Trade and Empire*, 88-89; Bushman, *King and People*, 151-152; Mullet, "English Imperial Thinking, 1764-1783," 548-579; Andrews, *Colonial Period of American History*, 4: 267-268; 394

Chatham ministry that there was considerable worth in some of Bernard's more controversial ideas.

Despite his protestations that he had had nothing to do with the introduction of the Stamp tax, Bernard was unable to show the colonists that he had done much to prevent its passage through Parliament, though did deliver some forcible arguments against the Revenue Act. Indeed while several key figures in the Massachusetts government, including Bernard, criticised the Stamp Act they did so largely after the Stamp Act Riots had precipitated a crisis of governmental authority; only lieutenant-governor Hutchinson had actively campaigned against its introduction. Bernard's instinctive caution was in striking contrast to the energetic leadership provided by Stephen Hopkins, governor of neighbouring Rhode Island and the author of influential pamphlet *The Rights of the Colonies Examined*.<sup>29</sup>

The second major political realignment of Bernard's administration began in 1764 and 1765 as popular reaction to parliamentary taxation and trade regulation gathered pace. The people and politicians of Massachusetts began to use terms such as "popular party" and "friends of government" or "whig" and "tory" and to distinguish a new set of viewpoints, defined by reactions to the Grenvillian programme, in the towns and the General Court, in preference to labels like "court" and "country."

If Bernard thought Otis an enigma, he regarded the radical whig Samuel Adams as an out-and-out revolutionary, but held them both equally to blame for poisoning the minds of other colonists. Bernard's interpretation of the Stamp Act Crisis was based on the assumption that the colonial protest movement had been engineered by an industrious minority of extremists. These demagogues, in setting out to persuade decision-makers in London to overturn Grenville's reforms, had undermined the governor's position as a mediator, and, in resorting to crowd action, had raised the spectre of social levelling. It was a short step for Bernard to suggest that the monster of "mobocracy" could not easily be laid to rest by the lawyers, merchants, and artisans who had raised it.

Fear of social conflict and civil disorder was a pervasive theme in Bernard's political thinking and strategy after the Stamp Act riots. Some historians have suggested that this was Bernard's most serious political error, for in portraying middle-class colonists, who embraced libertarian whig ideas, as class-conscious revolutionaries, he misinterpreted and misrepresented the social and ideological bases of the protest movement.<sup>30</sup> However, there was an element of class consciousness among

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<sup>29</sup>On Hopkins see Morgans, *Stamp Act Crisis*, 55.

<sup>30</sup>Thomas, "Partisan Politics," 1: 263.

Boston's lower orders, who were certainly politicised by the Stamp Act Crisis, which was harnessed by the whig leadership in the coming years.<sup>31</sup>

When Francis Bernard chose to employ the imagery of social conflict and civil war, he aimed to exploit perceptions rather more than actualities. The gross unpopularity of the Stamp Act precluded any attempt by Bernard to seek support for British policies *per se*; instead, Bernard focused the colonists' attention on the nascent ideological divisions created by the crisis of governmental authority. Bernard resorted to making what he called "argumentative speeches" on imperial affairs, reducing the complexities of political and theoretical arguments to a simple choice of principles, a kind of ideological blackmail where the colonists' response was measurable on a sliding scale between loyalty and disloyalty to the Crown and parliament. How, he argued, could the colonists' genuine concerns over taxation and commerce be reconciled with violent resistance to an act of parliament and the destruction of private property? Bernard warned of dire social consequences arising from direct crowd action and of British retribution if the assembly were to persist with contentious declarations of colonial legislative rights; it was a nightmarish chimera of war, chaos, and social levelling.

Bernard's "argumentative speeches" were designed largely for the friends of government and the moderate whigs, whose political support he deemed vital in order to maintain royal government. The province may not have been on the verge of anarchy, as Bernard asserted, but many colonists were clearly apprehensive about the prospect of ever changing ministers' views on taxation after the Stamp Act riots of August 1765. Bernard's subsequent refusal to support the General Court in nullifying the act created deep ideological divisions among the provincial elite.

The friends of government were the embodiment of antirevolutionary opinion in Massachusetts. First, they came to challenge the Whigs' interpretations of American constitutional rights - particularly the restrictions that the radicals placed on the scope of parliamentary authority in the colonies. The friends

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<sup>31</sup>Edward Countryman, *The American Revolution* (Penguin, London, 1985), 94, 104; James A. Henretta and Gregory H. Nobles, *Evolution and Revolution: American Society, 1600-1820* (DC Heath & Co., Lexington & Toronto, 1987), 131; Nash, *The Urban Crucible*, 294-297 and "Social Change and the Growth of Pre-Revolutionary Urban Radicalism," 3-36; Hoerder, *Crowd Action in Revolutionary Massachusetts*, passim.; Tyler, *Smugglers & Patriots*, 242-251; Maier, *From Resistance to Revolution*, 297-312; Walter H. Conser Jr., "The Stamp Act Resistance", in *Resistance, Politics, and the American Struggle for Independence, 1765-1775* (Lynne Rienner Publishers, Boulder, Colo., 1986) edited by Walter H. Conser Jr, Ronald M. McCarthy and D.J. Toscano, 22-88; Jensen, *The Founding of a Nation*, 134-135, 144-145.

of government, like the whigs, professed a faith in the constitutional arrangements settled by the Glorious Revolution of 1688-1689 and the Massachusetts Charter. They also admitted that the colonists had grievances over taxation, but they could see no conspiracy afoot to undermine their liberties. While both the friends of government and the whigs were committed to upholding the legitimacy of parliamentary opposition, the friends of government publicly voiced concern that resistance to acts of Parliament presaged an "internal revolution" in the colony.

Second, the friends of government rejected outright the political strategy employed by the whigs to defeat British policies - a strategy based on campaigning through both conventional constitutional methods and extralegal protests. The preferred method of safeguarding fundamental liberties was for the colonists to endure hardship temporarily, whilst the assembly and governor negotiated with the British government for relief.

## 5.

However, as Bernard found out, the friends of government could not be relied upon. Both friends of government and moderate whigs in the Council and House of Representatives combined to defeat Bernard's law-and-order initiatives, among which was the proposal to ask Britain to send a regiment or two of regular troops to Boston. Analysis of the largely negative responses of the friends of government to Bernard's efforts to build up a conservative-moderate coalition helps to illustrate the basic shift in political power in the mid-1760s, away from the governor's close circle of advisers to a broad-based movement for colonial self-government. High turnover rates in annual House membership prevented the development of a partisan infrastructure among the friends of government. While some gains were made in 1767 and 1768, the friends of government were reduced to a rump in 1769 from which they never recovered.<sup>32</sup> Despite the incessant rumours and his bouts of depression, Bernard never abandoned his sanguine view of the friends of government.

Bernard projected the redistribution of political power into the arena of imperial decision-making, demonstrating that the consensual foundation of royal government was essentially inoperative in the matter of trade laws, taxation, or any

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<sup>32</sup>Nicolson, "Governor Francis Bernard, the Massachusetts Friends of Government, and the Advent of the Revolution," 52; Bernard to the Earl of Shelburne, Boston, May 30, 1767, BP, 6: 211.

controversial issue originating in London.<sup>33</sup> When it came to formulating a response to the American crisis, ministers relied heavily on Bernard's reports,<sup>34</sup> but largely in spite of rather than because of their alarmist tone. Only Newcastle, who had joined Rockingham in opposition to Grenville when he resigned office in 1762,<sup>35</sup> was prepared to accept without question the veracity and reliability of Bernard's reports.<sup>36</sup> Bernard probably convinced Rockingham's secretary of state, Henry Seymour Conway, and the cabinet to consider the possibility of sending British regiments to Boston. But the circular Conway issued Bernard and the other colonial governors on October 24, 1765 gave no such explicit commitment; instead General Gage and Admiral Colville were placed on a state of alert to respond to any request for troops made by a provincial governor and council. P.D.G Thomas has interpreted this decision as a "piece of face-saving, promulgated to avoid any subsequent charge of negligence." Paul Langford, however, sees the circular as confirming the ministry's intention of seeking a military solution to the Stamp Act Crisis before repeal of the act became government policy in February. A more recent explanation by John L. Bullion tends to corroborate Langford, for Conway's circular was implicitly critical of royal governors generally and Bernard in particular for not asking Gage for assistance when the riots first occurred.<sup>37</sup>

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<sup>33</sup>Nicolson, "Governor Francis Bernard, the Massachusetts Friends of Government, and the Advent of the Revolution," 24-114; Nicolson, "The Friends of Government: Loyalism, Ideology and Politics in Revolutionary Massachusetts," 1 passim; Nicolson, "McIntosh, Otis & Adams are our demagogues": Nathaniel Coffin and the Loyalist Interpretation of the Origins of the American Revolution."

<sup>34</sup>Thomas, *British Politics and the Stamp Act Crisis*, 135-

<sup>35</sup>The Duke again voted with the Rockingham whigs after the marquis's resignation, until January 1768. John Brewer, *Party Ideology and popular Politics at the Accession of George III* (Oxford University Press, London et.c., 1976), ix, 9-11. For a full treatment of the Newcastle-Rockingham whigs in opposition see *ibid.*, 77-95; J Steven Watson, *The Reign of George III, 1760-1815* (Clarendon Press, Oxford, 1960), 87-88

<sup>36</sup>B.M. Add. MSS. 32971, fos. 69-70, c.f. Thomas, *British Politics and the Stamp Act Crisis*, 137.

<sup>37</sup>John L. Bullion, "British Ministers and American Resistance to the Stamp Act, October-December, 1765," *William and Mary Quarterly*, 3d ser., 49 (1992): 89-107; Peter DG Thomas, *British Politics and the Stamp Act Crisis: The First Phase of the American Revolution, 1763-1767* (Clarendon Press, Oxford, 1975). 35, 134-137, 150-152; Paul Langford, *The First Rockingham Administration, 1765-1766* (Oxford, 1973), 80-83, 109-110; Paul Langford, "The First Rockingham Ministry and the Repeal of the Stamp Act: The Role of the Commercial Lobby and Economic Pressures," in Conser, et. al. eds. *Resistance, Politics, and the American Struggle for Independence, 1765-1775*, 89-97. See also Charles R. Ritcheson, *British Politics and the American Revolution* (University of Oklahoma Press, Norman, Okla., 1954), 41-42; Christie and Labaree, *Empire or Independence*, 64.

The introduction of the Townshend Acts in 1767 produced widespread American resistance to any form of parliamentary taxation and to the Chancellor Townshend's scheme of using some of the revenue to pay Crown salaries to colonial governors. The Townshend duties controversy and the attendant disputes over the nonconsumption and nonimportation agreements generated internal divisions within the General Court and the commercial communities of Boston and the eastern Massachusetts, which Bernard proved remarkably inept at exploiting.

One reason was continued speculation over Bernard's role during the Stamp Act, which undermined confidence in his administration.

A second was the fact that Bernard himself warmly approved the underlying purpose of Townshend's reforms, which intended to use colonial revenue to establish an extended colonial civil list: this overrode any residual sympathy he may have had for colonists when they were presented with another round of taxes and also diluted some of his more pointed criticism of the ministry for landing his administration with another apparently insurmountable political problem. Bernard's stubborn defence of Townshend might be thought consistent with the behaviour of a man denied recognition for pinpointing first the shaky political foundations of Britain's American empire.<sup>38</sup>

For their part, the whigs came to regard Bernard with deep mistrust, and with some justification. Representatives who, in 1765, had flinched at Samuel Adams's suggestion that they vote down the Stamp Act, and thought twice about rejecting out of hand parliament's right to tax the colonists, rediscovered the confidence to flout the instructions of the king's ministers after a barrage of criticism from their governor. So too Bernard's reports on politics and government were amplified by his observations on crowds and mobs which frustrated the Custom House in executing the Townshend Acts and trade laws. Time and again, he returned to pessimistic themes he had first explored during the Stamp Act Crisis and from 1768 onwards Bernard consistently portrayed crowds as more threatening than they probably were and ascribed to their participants and representatives in the legislature a more clearly defined revolutionary agenda than any--even Samuel Adams--surely possessed.

As Bernard's administration floundered, the Earl of Hillsborough, won the backing of the cabinet to send four regiments of British soldiers to Boston for the support of the civil

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<sup>38</sup>Bernard to John Pownall, Boston, April 23, 1769, BP, 7:283.

government. Hillsborough, as historian John Reid and others have shown, was effectively misled by Bernard and the Commissioners of Customs into supposing that royal government in the province was on the verge of collapse. Hillsborough in particular accepted uncritically the “impressions” of imminent civil disorder conveyed by Bernard and the Commissioners of Customs in their reports about the assault and intimidation of Customs officers in Boston of March and June, 1768.<sup>39</sup>

New Englanders had grown obdurate to their governor’s lamentations on the state of government. That, however, did not cushion the blow of September 3, when they learned that the 14th and 26th regiments at Halifax were on their way to Boston. Bernard first heard of the cabinet’s change of mind on the deployment of British Regulars from General Gage at New York two or three days earlier, and broke the ominous news to the Council.<sup>40</sup> The governor, as one American remarked was now “caught in a snare” of his own devising.<sup>41</sup> The arrival of British Regulars cost Bernard whatever political credibility remained to him in Massachusetts. While Bernard never attempted to deny that his reports had influenced ministers, few persons outwith his administration believed him when he denied having asked Gage or Hillsborough for British regiments. Even if the radicals did not obstruct the landing of the troops, the governor henceforth encountered opposition from the majority of the Council, the town authorities, and the province magistracy to any request to find billets and provisions for the soldiers-- all of which Bernard took as evidence of the fragility of royal government in the province.<sup>42</sup>

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<sup>39</sup>John Philip Reid, *In a Rebellious Spirit: The Argument of Facts, The Liberty Riot and the Coming of the Revolution*, (Pennsylvania State University press, University Park, Penn., 1979), 121-126. See also Bailyn, *The Ordeal of Thomas Hutchinson*, 123-124, 130-131, .227; Walter H Conser Jr and Ronald M McCarthy, "Circular Letters, Customs Officers and the Issue of Violence: The Background to the Townshend Acts Resistance", in *Resistance, Politics, and the American Struggle for Independence, 1765-1775* (Lynne Rienner Publishers, Boulder, Colo., 1986) edited by Walter H Conser Jr, Ronald M McCarthy and DJ Toscano, 119-134; Ian R. Christie, “British Response to American Reactions to the Townshend Acts, 1768-1770,” *ibid.*, 193-214; Leslie J. Thomas, "The Nonconsumption and Nonimportation Movement Against the Townshend Acts, 1767-1770", *ibid.*, 137-192; Thomas, *Townshend Duties Crisis*, 82-83.

<sup>40</sup>Gage to Bernard, August 31, 1768, Bernard Papers, 11: 287-288.

<sup>41</sup>Lachlan McIntosh to Henry Laurens, [Charlestown, South Carolina], October 15, 1768, in George C. Rogers, et. al., eds., *The Papers of Henry Laurens* (University of South Carolina Press, Columbia, S.C., 1976?) 6: 127-128.

<sup>42</sup>Gage to Bernard, August 31, 1768, Bernard Papers, 11: 287-288; Gage to Bernard, September 12, 1768, Bernard Papers, 11: 297.

The colonists did not lack able advocates--men who knew Bernard and understood American affairs and who were prepared to contest his interpretation of developments in Massachusetts. Because of Bernard's reports on civil disorder, Benjamin Franklin, the agent for Pennsylvania, worried that everyone--himself included--had lost sight of the fundamental constitutional and economic issues raised by the colonists in protesting at the Townshend Acts.<sup>43</sup> The Massachusetts agent, Dennis De Berdt, the Council's agent William Bollan, and former governor Thomas Pownall, M.P. and all did what they could to counteract Bernard's version of events in Boston. John Wilkes too found time to assist his American friends by ridiculing Bernard. The Rockinghamites were the most vocal of the opposition factions which berated Hillsborough for relying too much on information supplied by Bernard.

The King's Speech to both Houses of Parliament on November 8, 1768, which proclaimed Boston to be "in a state of disobedience to all law and government," left Parliament baying for action. For Hillsborough, it was not an unwelcome scenario, but ministers found it difficult to manipulate the House of Commons. Anger and ridicule toward the insolent Yankees punctuated Commons debates. When Bernard's reports were produced, possibly at Hillsborough's instigation, they electrified the proceedings. When the House had finished preparing a reply to the King, Hans Stanley, the placeman who had asked for the reports, moved an amendment proposing that Bernard's proposal for a mandamus Council be adopted. No-one seconded Stanley's motion. Indeed, when the debate moved on to the ministry's response to the Massachusetts circular letter, the call for a full Parliamentary enquiry into affairs in Massachusetts came from the Rockinghamite whigs on the opposition benches - William Dowdeswell, Sir George Savil, and Edmund Burke.<sup>44</sup>

The Attorney-General William De Gray did not find enough evidence in Bernard's reports themselves to justify legal proceedings to annul the Massachusetts Charter,<sup>45</sup> but did, however, suggest that there was a *prima facie* case to be answered. Hillsborough was informed that under an archaic act of Parliament--the 35th Henry VIII--Parliament could form itself into a special commission to hear cases of treason or misprision of treason arising in the colonies. De Gray's opinion cannot be

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<sup>43</sup>When Franklin became aware of Bernard's reports on the *Liberty* riots, he composed an essay for *The London Chronicle*, August 16-18, 1768, which aimed to turn attention back to taxation and the Navigation Acts. "Queries recommended to the Consideration of those Gentlemen who are for vigorous Measures with the Americans. In Labaree, *Papers of Benjamin Franklin*, 13: 187-188.

<sup>44</sup>Thomas, *The Townshend Duties Crisis*, 104-105; The Earl of Hillsborough to Francis Bernard, Whitehall, February 20, 1769, Bernard Papers, 12: 57

<sup>45</sup>Jensen, *Founding of a Nation*, 297.

taken as a vindication of Bernard's analysis and interpretation of the state of public affairs in Massachusetts. Bernard would have to identify the Boston selectment who organised the Convention, and, a more difficult task, supply corroborating documentation as to what had been said by Otis and others at the Boston town meeting of September 12; a nigh impracticable suggestion was that Bernard produce evidence of "any design laid or persons Names, or times appointed, or other measures taken, for Seizing Castle William."<sup>46</sup> On November 15, Bernard was instructed to enquire into the "illegal and unconstitutional Acts" committed in the province during and after the *Liberty* riot of June 10, and bring the "perpetrators" to justice.<sup>47</sup>

On December 18, Hillsborough moved a series of contentious resolutions in the House of Lords, which bore his hawkish stamp. The resolutions incorporated most of what Bernard had been claiming was seditious and treasonable (save in matters which related to New York) but they did not actually propose a programme of action. The declarations of the Massachusetts House of Representatives in January and February, 1768, which questioned Parliament's right to levy taxes, was said to be in effect a "denial" of Parliament's legislative supremacy; most colonists would have been appalled at such an interpretation. So too they would have balked at the description of the circular letter as an attempt to organise an "illegal combination" against Parliament and the Crown. The third, fourth, and fifth resolutions asked the Lords to endorse Bernard's conclusion that the return of crowd action to Boston in the spring and summer of 1768 produced a "State of great disorder and Confusion," which both the Council and the magistracy neglected to address, and which justified the deployment of British Regulars. The remaining resolutions were accepted uncritically--despite De Gray's worries about the absence of evidence: the proceedings of the Boston town meeting on June 14 and September 12, and the Convention of Towns were declared "illegal and Unconstitutional . . . [and] subversive."<sup>48</sup> The resolutions were approved by the Lords after the Christmas recess and by the Commons in last week of January, 1769.<sup>49</sup>

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<sup>46</sup>Attorney-general, William De Gray to Hillsborough, n.p., November 25, 1768, CO 5/757, ff. 464-466.

<sup>47</sup>Hillsborough to Bernard, Whitehall, November 15, 1768, Bernard Papers, 12: 11.

<sup>48</sup>Resolutions of both Houses of Parliament, relative to the Public Transactions in His Majesty's Province of Massachusetts Bay, Bernard Papers, 12: 275-278.

<sup>49</sup>Ian R. Christie and Benjamin W. Labaree, *Empire or Independence, 1760-1776: A British-American Dialogue on the Coming of the American Revolution* (Phaidon Press, Oxford, 1976), 122, 236-241; Gipson, *British Empire*, 11: 235; Bernard to John Pownall, Boston, January 13, 1769, Bernard Papers, 7: 253; Thomas Hutchinson to [Thomas Whately], n.p. January 20, 1769, in *Copy of Letters Sent to Great-Britain, by*

On February 13, Hillsborough finally presented the cabinet with a set of stringent measures reflecting the spirit of what Bernard had been urging. If the Massachusetts legislature continued to deny Parliamentary supremacy then Council should hereafter be appointed directly by the Crown instead of being elected by the House; and Bernard should be given a discretionary power to move the General Court from Boston. No mention was made of bringing rebels to trial in England. There was an olive branch of sorts for the “doves,” which might have involved Parliament repealing the Townshend Acts in the West Indies and Virginia where permanent provision for the governor’s salary had already been made.<sup>50</sup>

The cabinet was unable to agree on precisely what they should do to in punish Massachusetts. Few if any were prepared to go so far as to revoke the province Charter or establish a mandamus Council: the prime minister, the Duke of Grafton and the Lord Chancellor, Camden, wisely rejected these measures; so too did the King (who had probably discussed such ideas in his weekly meetings with Secretary-at War Lord Barrington, Amelia Bernard’s cousin) By March 24, only two of Hillsborough’s several major recommendations were approved by the cabinet: that the Bernard be allowed to summon the General Court to a place outside Boston such as Salem, and that his request for leave to report back to Whitehall be confirmed.<sup>51</sup> For next three months, the ministry vacillated on whether to punish Boston, while it considered whether or not to try and end the American protests by repealing the Townshend Acts. The cabinet decided on the latter course in May, 1769, and the Townshend duties were partially repealed in March 1770.<sup>52</sup>

For more than three months, while he waited directions from London, Bernard secretly compiled evidence of sedition.

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*Hus Excellency Thomas Hutchinson, the Hon. Andrew Oliver and Several Other Persons...*(Boston, 1773), 16 (hereafter, *Hutchinson-Oliver Letters*; Thomas Hutchinson to Richard Jackson, Boston, January 28, 1769, Hutchinson Letterbooks, 26: 349.

<sup>50</sup>Charles R Ritcheson, *British Politics and the American Revolution* (University of Oklahoma Press, Norman, Okla., 1954), 124; Christie and Labaree, *Empire or Independence*, 126-129; Thomas, *The Townshend Duties Crisis*, 125-128.

<sup>51</sup>Thomas, *The Townshend Duties Crisis*, 130. Hillsborough to Bernard, March 24, 1769, Bernard Papers, 12: 77-80 enclosing A Sign Manual for returning to England to Bernard, 1769, Bernard Papers, 12: 73.

<sup>52</sup>See the Earl of Hillsborough to Francis Bernard, Whitehall, February 20, 1769, Bernard Papers, 12: 57; Bernard to Hillsborough, Boston, May 25, 1769, *ibid.*, 7: 157-159; Ian R. Christie and Benjamin W. Labaree, *Empire or Independence, 1760-1776: A British-American Dialogue on the Coming of the American Revolution* (Phaidon Press, Oxford, 1976), 122-129; Charles R Ritcheson, *British Politics and the American Revolution* (University of Oklahoma Press, Norman, Okla., 1954), 142-143; PDG Thomas, *The Townshend Duties Crisis: The Second Phase of the American Revolution* (Clarendon Press, Oxford, 1987), 154-155; Christie, *Wars and Revolution*, 93.

First there were the Boston selectmen who had issued the precept inviting the Massachusetts towns to the Convention: Joseph Jackson, the colonel of the Boston militia, who refused to call out his men during the Stamp Act riots; John Ruddock, the irascible notary public, whose political sympathies were incompatible with his magistrate's duties; John Hancock, the *bête noire* of the Commissioners of Customs and "Milch Cow" of the faction, as he was dubbed by one conservative; wealthy merchants John Rowe and Samuel Pemberton; the town clerk, William Cooper; and Thomas Cushing, perhaps the most moderate of the whig leaders, yet whose revelations about a possible coup d'état had left Bernard's spy, Customs officer, Nathaniel Coffin, reeling. Parliament, Bernard mused, had sufficient reason to introduce legislation barring these men from holding local or provincial office (in much the same way as the government were trying to oust John Wilkes from the House of Commons.) Parliamentary intervention was also suggested as the only means possible of taming the province magistracy and establishing a mandamus Council.

## 10.

On Saturday April 5, 1769 a package sent by the Council's agent William Bollan to councillor James Bowdoin, in the brig *Last Attempt* arrived in Boston containing copies of six letters written by Bernard. The letters were written to the American Secretary, the Earl of Hillsborough, between November 1 and December 5, 1768, and concerned mainly with Bernard's deteriorating relationship with the Council; others were soon published as quickly as they arrived in Boston. Throughout Bernard had freely discoursed on the possibilities of Parliament revoking the Province Charter and establishing a mandamus Council. This was evidence enough for most colonists of a manifest assault on their liberties and of their governor pursuing a private vendetta leading colonists.<sup>53</sup>

There were no dissenting voices when the House of Representatives and Council debated the contents of Bernard's letters. On June 27, the 109 members of the House unanimously voted to send a petition to the King requesting Bernard's dismissal from office. A draft had already been prepared by a House committee including both Otises, Speaker Thomas Cushing, and John Hancock, accusing Bernard of conspiring to "overthrow the present constitution of government

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<sup>53</sup> *Letters to the Right Honorable the Earl of Hillsborough from Governor Bernard* (Printed for Edes and Gill, Boston, 1769). For the response in the press to Bernard's letters see Thomas, "Partisan Politics," 2: 706-707.

in this colony, and to have the people deprived of their invaluable charter rights.” It too was unanimously approved. When on June 28 Bernard informed the assembly that he was returning home on leave to Britain,<sup>54</sup> the House refused to grant him his annual salary .

The assembly’s petition contained two principal charges against Bernard: that he had exceeded the terms of his royal commissions and broken the governor’s contractual obligations to the commonwealth of Massachusetts set out in the charter. Colonial complaints about governors or other officials were normally heard by Privy Council, the last court of appeal for Americans. If found guilty Bernard faced a range of severe penalties: immediate dismissal, a ban *sine die* from any other crown office, and a fine of £1,000; he was of course also subject to the full penalty of law for any other specific crimes committed.<sup>55</sup> (No royal governor had ever been amerced on the allegations with which Bernard was charged. While allegations of corruption were commonplace in the colonies, only one royal governor, Joseph Dudley of Massachusetts, had ever been dismissed before, and that was on the more specific issue of breaking the trade laws.<sup>56</sup>)

Bernard arrived in London in early September to a “reception,” which Hutchinson thought “was beyond his own expectation.” Bernard asked Barrington and Hillsborough to try and get the petition referred to the Privy Council immediately, where Bernard could count on the support of several friends, the most important of whom were Hillsborough, Barrington, Wilbore Ellis, Lord Chief Justice Wilmot, and Lord Sandys. Though he welcomed the opportunity to clear his name Bernard was wary that bureaucratic delays might give De Berdt more time to prepare the colony’s case.<sup>57</sup> The charges against Bernard were peremptorily dismissed on March 7 as “groundless, vexatious and scandalous.”<sup>58</sup> .

In June 1770, Bernard participated in a Privy Council inquiry into Massachusetts. set up in the wake of the Boston Massacre. The committee’s proceedings focused largely on a report presented by John Pownall, Undersecretary for America,

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<sup>54</sup> The Massachusetts Council to the Earl of Hillsborough, Boston, April 15, 1769, *Boston Chronicle*, July 27-31, 1769, pp.1-3 and CO 5/758, ff.90-104; *Journals of the House*, 45: 151, 197-198.

<sup>55</sup>The Act for Punishing Governors for Crimes Committed in the Plantations, 11th-12th William III, c.12; Andrews, *Colonial Period in American History* 4: 162

<sup>56</sup>Andrews, *Colonial Period in American History* 4: 162.; Richard L Bushman, *King and People in Provincial Massachusetts* (University of North Carolina Press, Chapel Hill and London, ed. 1992), 109,111

<sup>57</sup>Bernard’s Petition to the king to October n.d, 1769, Bernard Papers, 12: 147-148, 167.

<sup>58</sup>*Acts of the Privy Council* 5: 214.

which reflected much of what he had discussed with Bernard over the years.<sup>59</sup> The report was updated and used again in 1774, after the Boston Tea Party.) The committee considered the report and oral evidence at three separate meetings held between June 26 and July 4. Bernard and four other witnesses were examined under oath. All the witnesses, save one--an employee of John Hancock--corroborated the view advanced in Bernard's letters and the reports of the Customs Commissioners that the trade laws could not be enforced; that the governor had lost the support of the Council and assembly, which the friends of government no longer attended; and that the boycott was being illegally enforced by crowds and ad hoc committees of townspeople. In short, as Bernard argued, parliament needed to intervene in Massachusetts in order to restore law and order.<sup>60</sup>

## 11.

When he relinquished the governorship of Massachusetts in 1771, Bernard continued to exert influence on Britain's American policy in a semi-official capacity, as an advisor to the Plantation Office and the Earl of Hillsborough.<sup>61</sup> The stroke he suffered sometime between May 1771 and January 1772 greatly restricted his participation in public affairs. But many of the reform ideas he had discussed with John Pownall, and others, had greater appeal for British politicians in 1774, when they were thinking hard of some means to make the town of Boston corporately liable or the destruction of the East India Company's tea and to punish the province for the transgressions of the House, the Council, and the magistracy. Bernard's ideas formed the basis of two of the four Coercive Acts--the Massachusetts Government Act and the Administration of Justice Act--which precipitated violent resistance in Massachusetts in the summer and autumn of 1774. And yet, when Hutchinson tried to avert the introduction of these measures he might have recalled ruefully his efforts to persuade Bernard and Britain to consider a less ferocious attack on colonial institutions.<sup>62</sup>

## 12.

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<sup>59</sup>Thomas, *The Townshend Duties Crisis*, 192. [John Pownall,] State of the Disorders, Confusions and Misgovernment which have lately prevailed and still continue to prevail, in the province of the Massachusetts Bay, CO 5/754 ff.41-69. This full dossier was presented to the clerk of the Privy Council by Pownall on June 21 1770 and referred to the committee on plantation affairs the next day.

<sup>60</sup>Thomas, *The Townshend Duties Crisis*, 192-193 c.f. *Acts of the Privy Council* 5: 246-254

<sup>61</sup>Letter from London, dated July 26 [1770], *Boston Gazette*, September 17, 1770, c.f. Higgins, *The Bernards*, II, pp.214-215.

<sup>62</sup>Thomas, *The Townshend Duties*, 207-208.

The political emasculation of royal government begun during Bernard's administration was completed during those of his successors: Thomas Hutchinson and General Thomas Gage. By the autumn of 1774, the Whigs were in firm political control of the General Court and the town meetings. From a position of dominance, they were able successfully to expand resistance to the Coercive Acts. In short, although the friends of government shared a proto-loyalist ideology, they were effectively broken as a provincial political force before the outbreak of war.

While the ideological bases for a loyalist counter-revolution in 1775 may be found in the reactions of governor Bernard and the friends of government to the political controversies of the 1760s and early 1770s, its political form never fully developed after Bernard's departure for England. The political orthodoxy demanded of the populace by the radicals fulfilled its dual purpose of mobilising popular opinion on behalf of the protest movement and discouraging active support for the provincial administration. While the friends of government in the legislature found common cause with the governors on several occasions they lacked the organisation and common purpose of the leaders of the protest movement necessary to sustain an anti-radical coalition; similarly, the friends of government in the town meetings throughout the colony were minority factions bereft of popular support. They functioned neither as a court faction--similar to the "King's Friends" in George III's Britain--nor, to any great extent, as a popular loyalist force like the "Church and King" mobs which were endemic to Britain at the time of the French Revolution and so effective in stifling popular radicalism.

In consequence, the loyalist counter-revolution in Massachusetts ended before it had scarcely begun. In 1775, it comprised the formation of militia units to defend Boston and sporadic loyalist uprisings against the patriot authorities in only a handful of towns. Following the withdrawal of British troops from Boston in March 1776 and the defeat of General Burgoyne's army at Bennington and Saratoga in 1777, the British could offer no substantial military assistance to Massachusetts's loyalists and would-be loyalists, leaving the patriot government free to proscribe intractable opponents at will, to confiscate the property of absentee proprietors like Bernard and loyalist émigrés, and generally -as they had managed successfully since 1765--to discourage dissenters from taking a more active role in politics until the War of Independence drew to a close.<sup>63</sup>

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<sup>63</sup>Nicolson, "Governor Francis Bernard, the Massachusetts Friends of Government, and the Advent of the Revolution," 24-114.

### 13. Issues for Discussion

- Bernard's biographical profile  
inc. Bernard's private life
- Comparison with other royal governors
- Massachusetts Politics
- Historiography

Revolution

Loyalists

Britain & American Revolution.

- Evaluation of Bernard's role in coming of American  
Revolution