

CHAPTER II - ARMS AND THE RIGHTS OF MAN

Such was roughly the position of the thirteen English colonies in North America when in the year 1764, shortly after the conclusion of the Seven Years' War, George Grenville, who had become the chief Minister of George III. after the failure of Lord Bute, proposed to raise a revenue from these colonies by the imposition of a Stamp Act.

The Stamp Act and the resistance it met mark so obviously the beginning of the business which ended in the separation of the United States from Great Britain that Grenville and the British Parliament have been frequently blamed for the lightness of heart with which they entered upon so momentous a course. But in fact it did not seem to them momentous, nor is it easy to say why they should have thought it momentous. It is certain that Grenville's political opponents, many of whom were afterwards to figure as the champions of the colonists, at first saw its momentousness as little as he. They offered to his proposal only the most perfunctory sort of opposition, less than they habitually offered to all his measures, good or bad.

And, in point of fact, there was little reason why a Whig of the type and class that then governed England should be startled or shocked by a proposal to extend the English system of stamping documents to the English colonies. That Parliament had the legal right to tax the colonies was not seriously questionable. Under the British Constitution the power of King, Lords and Commons over the King's subjects was and is absolute, and none denied that the colonists were the King's subjects. They pleaded indeed that their charters did not expressly authorize such taxation; but neither did they expressly exclude it, and on a strict construction it would certainly seem that a power which would have existed if there had been no charter remained when the charter was silent.

It might further be urged that equity as well as law justified the taxation of the colonies, for the expenditure which these taxes were raised to meet was largely incurred in defending the colonies first against the French and then against the Indians. The method of taxation chosen was not new, neither had it been felt to be specially grievous. Much revenue is raised in Great Britain and all European countries to-day by that method, and there is probably no form of taxation at which men grumble less. Its introduction into America had actually been recommended on its merits by eminent Americans. It had been proposed by the Governor of Pennsylvania as early as 1739. It had been approved at one time by Benjamin Franklin himself. To-day it must seem to most of us both less unjust

and less oppressive than the Navigation Laws, which the colonists bore without complaint.

As for the suggestion sometimes made that there was something unprecedentedly outrageous about an English Parliament taxing people who were unrepresented there, it is, in view of the constitution of that Parliament, somewhat comic. If the Parliament of 1764 could only tax those whom it represented, its field of taxation would be somewhat narrow. Indeed, the talk about taxation without representation being tyranny, however honestly it might be uttered by an American, could only be conscious or unconscious hypocrisy in men like Burke, who were not only passing their lives in governing and taxing people who were unrepresented, but who were quite impenitently determined to resist any attempt to get them represented even in the most imperfect fashion.

All this is true; and yet it is equally true that the proposed tax at once excited across the Atlantic the most formidable discontent. Of this discontent we may perhaps summarize the immediate causes as follows. Firstly, no English minister or Parliament had, as a fact, ever before attempted to tax the colonies. That important feature of the case distinguished it from that of the Navigation Laws, which had prescription on their side. Then, if the right to tax were once admitted, no one could say how far it would be pushed. Under the Navigation Laws the colonists knew just how far they were restricted, and they knew that within the limits of such restrictions they could still prosper. But if once the claim of the British Parliament to tax were quietly accepted, it seemed likely enough that every British Minister who had nowhere else to turn for a revenue would turn to the unrepresented colonies, which would furnish supply after supply until they were "bled white." That was a perfectly sound, practical consideration, and it naturally appealed with especial force to mercantile communities like that of Boston.

But if we assume that it was the only consideration involved, we shall misunderstand all that followed, and be quite unprepared for the sweeping victory of a purely doctrinal political creed which brought about the huge domestic revolution of which the breaking of the ties with England was but an aspect. The colonists did feel it unjust that they should be taxed by an authority which was in no way responsible to them; and they so felt it because, as has already been pointed out, they enjoyed in the management of their everyday affairs a large measure of practical democracy. Therein they differed from the English, who, being habitually governed by an oligarchy, did not feel it extraordinary that the same oligarchy should tax them. The Americans for the most part governed themselves, and the oligarchy came in only as an alien and unnatural thing levying taxes. Therefore it was resisted.

The resistance was at first largely instinctive. The formulation of the democratic creed which should justify it was still to come. Yet already there were voices, especially in Virginia, which adumbrated the incomparable phrases of the greatest of Virginians. Already Richard Bland had appealed to "the law of Nature and those rights of mankind that flow from it." Already Patrick Henry had said, "Give me liberty or give me death!"

It was but a foreshadowing of the struggle to come. In 1766 the Rockingham Whigs, having come into power upon the fall of Grenville, after some hesitation repealed the Stamp Act, reaffirming at the same time the abstract right of Parliament to tax the colonies. America was for the time quieted. There followed in England a succession of weak Ministries, all, of course, drawn from the same oligarchical class, and all of much the same political temper, but all at issue with each other, and all more or less permanently at issue with the King. As a mere by-product of one of the multitudinous intrigues to which this situation gave rise, Charles Townshend, a brilliant young Whig orator who had become Chancellor of the Exchequer, revived in 1768 the project of taxing the American colonies. This was now proposed in the form of a series of duties levied on goods exported to those colonies--the one most obnoxious to the colonists and most jealously maintained by the Ministers being a duty on tea. The Opposition had now learnt from the result of the Stamp Act debate that American taxation was an excellent issue on which to challenge the Ministry, and the Tea Tax became at once a "Party Question"--that is, a question upon which the rival oligarchs divided themselves into opposing groups.

Meanwhile in America the new taxes were causing even more exasperation than the Stamp Act had caused--probably because they were more menacing in their form, if not much more severe in their effect. At any rate, it is significant that in the new struggle we find the commercial colony of Massachusetts very decidedly taking the lead. The taxed tea, on its arrival in Boston harbour, was seized and flung into the sea. A wise Government would have withdrawn when it was obvious that the enforcement of the taxes would cost far more than the taxes themselves were worth, the more so as they had already been so whittled down by concessions as to be worth practically nothing, and it is likely enough that the generally prudent and politic aristocrats who then directed the action of England would have reverted to the Rockingham policy had not the King made up his unfortunate German mind to the coercion and humiliation of the discontented colonists. It is true that the British Crown had long lost its power of independent action, and that George III. had failed in his youthful attempts to recapture it. Against the oligarchy combined he was helpless; but his preference for one group of oligarchs over another was still an asset, and he let it clearly be understood

that such influence as he possessed would be exercised unreservedly in favour of any group that would undertake to punish the American rebels. He found in Lord North a Minister willing, though not without considerable misgivings, to forward his policy and able to secure for it a majority in Parliament. And from that moment the battle between the Home Government and the colonists was joined.

The character and progress of that battle will best be grasped if we mark down certain decisive incidents which determine its course. The first of these was the celebrated "Boston Tea Party" referred to above. It was the first act of overt resistance, and it was followed on the English side by the first dispatch of an armed force--grossly inadequate for its purpose--to America, and on the American by the rapid arming and drilling of the local militias not yet avowedly against the Crown, but obviously with the ultimate intention of resisting the royal authority should it be pushed too far.

The next turning-point is the decision of the British Government early in 1774 to revoke the Charter of Massachusetts. It is the chief event of the period during which war is preparing, and it leads directly to all that follows. For it raised a new controversy which could not be resolved by the old legal arguments, good or bad. Hitherto the colonists had relied upon their interpretation of existing charters, while the Government contented itself with putting forward a different interpretation. But the new action of that Government shifted the ground of debate from the question of the interpretation of the charters to that of the ultimate source of their authority. The Ministers said in effect, "You pretend that this document concedes to you the right of immunity from taxation. We deny it: but at any rate, it was a free gift from the British Crown, and whatever rights you enjoy under it you enjoy during His Majesty's pleasure. Since you insist on misinterpreting it, we will withdraw it, as we are perfectly entitled to do, and we will grant you a new charter about the terms of which no such doubts can arise."

It was a very direct and very fundamental challenge, and it inevitably produced two effects--the one immediate, the other somewhat deferred. Its practical first-fruit was the Continental Congress. Its ultimate but unmistakably logical consequence was the Declaration of Independence.

America was unified on the instant, for every colony felt the knife at its throat. In September a Congress met, attended by the representatives of eleven colonies. Peyton Randolph, presiding, struck the note of the moment with a phrase: "I am not a Virginian, but an American." Under Virginian leadership the Congress vigorously backed Massachusetts, and in October a "Declaration of Colonial Right" had been issued by the authority of all the colonies represented there.

The British Ministers seem to have been incomprehensibly blind to the seriousness of the situation. Since they were pledged not to concede what the colonists demanded, it was essential that they should at once summon all the forces at their command to crush what was already an incipient and most menacing rebellion. They did nothing of the sort. They slightly strengthened the totally inadequate garrison which would soon have to face a whole people in arms, and they issued a foolish proclamation merely provocative and backed by no power that could enforce it, forbidding the meeting of Continental Congresses in the future. That was in January. In April the skirmishes of Lexington and Concord had shown how hopelessly insufficient was their military force to meet even local sporadic and unorganized revolts. In May the second Continental Congress met, and in July appeared by its authority a general call to arms addressed to the whole population of America.

Up to this point the colonists, if rebellious in their practical attitude, had been strictly constitutional in their avowed aims. In the "Declaration of Colonial Right" of 1774, and even in the appeal to arms of 1775, all suggestion of breaking away from the Empire was repudiated. But now that the sword was virtually drawn there were practical considerations which made the most prudent of the rebels consider whether it would not be wiser to take the final step, and frankly repudiate the British Sovereignty altogether. For one thing, by the laws of England, and indeed of all civilized nations, the man who took part in an armed insurrection against the head of the State committed treason, and the punishment for treason was death. Men who levied war on the King's forces while still acknowledging him as their lawful ruler were really inviting the Government to hang them as soon as it could catch them. It might be more difficult for the British Government to treat as criminals soldiers who were fighting under the orders of an organized de facto government, which at any rate declared itself to be that of an independent nation. Again, foreign aid, which would not be given for the purpose of reforming the internal administration of British dominions, might well be forthcoming if it were a question of dismembering those dominions. These considerations were just and carried no little weight; yet it is doubtful if they would have been strong enough to prevail against the sentiments and traditions which still bound the colonies to the mother country had not the attack on the charters forced the controversy back to first principles, and so opened the door of history to the man who was to provide America with a creed and to convert the controversy from a legal to something like a religious quarrel.

Old Peyton Randolph, who had so largely guided the deliberations of the first Continental Congress, was at the last moment prevented by ill-health from attending the second. His place in the Virginian Delegation was taken by Thomas Jefferson.

Jefferson was not yet thirty when he took his seat in the Continental Congress, but he was already a notable figure in his native State. He belonged by birth to the slave-holding gentry of the South, though not to the richest and most exclusive section of that class. Physically he was long limbed and loose jointed, but muscular, with a strong ugly face and red hair. He was adept at the physical exercises which the Southerners cultivated most assiduously, a bold and tireless rider who could spend days in the saddle without fatigue, and a crack shot even among Virginians. In pursuit of the arts and especially of music he was equally eager, and his restless intelligence was keenly intrigued by the new wonders that physical science was beginning to reveal to men; mocking allusions to his interest in the habits of horned frogs will be found in American pasquinades of two generations. He had sat in the Virginian House of Burgesses and had taken a prominent part in the resistance of that body to the royal demands. As a speaker, however, he was never highly successful, and a just knowledge of his own limitations, combined perhaps with a temperamental dislike, generally led him to rely on his pen rather than his tongue in public debate. For as a writer he had a command of a pure, lucid and noble English unequalled in his generation and equalled by Corbett alone.

But for history the most important thing about the man is his creed. It was the creed of a man in the forefront of his age, an age when French thinkers were busy drawing from the heritage of Latin civilizations those fundamental principles of old Rome which custom and the corruptions of time had overgrown. The gospel of the new age had already been written: it had brought to the just mind of Jefferson a conviction which he was to communicate to all his countrymen, and through them to the new nation which the sword was creating. The Declaration of Independence is the foundation stone of the American Republic, and the Declaration of Independence in its essential part is but an incomparable translation and compression of the Contrat Social. The aid which France brought to America did not begin when a French fleet sailed into Chesapeake Bay. It began when, perhaps years before the first whisper of discontent, Thomas Jefferson sat down in his Virginian study to read the latest work of the ingenious M. Rousseau.

For now the time was rife for such intellectual leadership as Jefferson, armed by Rousseau, could supply. The challenge flung down by the British Government in the matter of the Charter of Massachusetts was to be taken up. The argument that whatever rights Americans might have they derived from Royal Charters was to be answered by one who held that their "inalienable rights" were derived from a primordial charter granted not by King George but by his Maker.

The second Continental Congress, after many hesitations, determined at length upon a complete severance with the mother country. A resolution to that effect was carried on the motion of Lee, the great Virginian gentleman, an ancestor of the noblest of Southern warriors. After much adroit negotiations a unanimous vote was secured for it. A committee was appointed to draft a formal announcement and defence of the step which had been taken. Jefferson was chosen a member of the committee, and to him was most wisely entrusted the drafting of the famous "Declaration."

The introductory paragraphs of the Declaration of Independence contain the whole substance of the faith upon which the new Commonwealth was to be built. Without a full comprehension of their contents the subsequent history of America would be unintelligible. It will therefore be well to quote them here verbatim, and I do so the more readily because, apart from their historic importance, it is a pity that more Englishmen are not acquainted with this masterpiece of English prose.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth the separate and equal station to which the laws of Nature and of Nature's God entitle them, a decent respect for the opinion of Mankind requires that they shall declare the cause that impels the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of those ends it is the right of the people to alter or to abolish it, and to reinstate a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

The Declaration goes on to specify the causes of grievances which the colonists conceive themselves to have against the royal government, and concludes as follows:--

We, therefore, the representatives of the United States of America in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are and of right ought to be Free and Independent States.

The first principles set out in the Declaration must be rightly grasped if American history is understood, for indeed the story of America is merely the story of the working out of those principles. Briefly the theses are two: first, that men are of right equal, and secondly, that the moral basis of the relations between governors and governed is contractual. Both doctrines have in this age had to stand the fire of criticisms almost too puerile to be noticed. It is gravely pointed out that men are of different heights and weights, that they vary in muscular power and mental cultivation--as if either Rousseau or Jefferson was likely to have failed to notice this occult fact! Similarly the doctrine of the contractual basis of society is met by a demand for the production of a signed, sealed, and delivered contract, or at least for evidence that such a contract was ever made. But Rousseau says--with a good sense and modesty which dealers in "prehistoric" history would do well to copy--that he does not know how government in fact arose. Nor does anyone else. What he maintains is that the moral sanction of government is contractual, or, as Jefferson puts it, that government "derives its just powers from the consent of the governed."

The doctrine of human equality is in a sense mystical. It is not apparent to the senses, nor can it be logically demonstrated as an inference from anything of which the senses can take cognizance. It can only be stated accurately, and left to make its appeal to men's minds. It may be stated theologically by saying, as the Christian theology says, that all men are equal before God. Or it may be stated in the form which Jefferson uses--that all men are equal in their "inalienable rights." But it must be accepted as a first principle or not at all. The nearest approach to a method of proving it is to take the alternative proposition and deduce its logical conclusion. Would those who would maintain that the "wisest and best" have rights superior to those of their neighbours, welcome a law which would enable any person demonstrably wiser or more virtuous than themselves to put them to death? I think that most of them have enough modesty (and humour) to shrink, as Huxley did, from such a proposition. But the alternative is the acceptance of Jefferson's doctrine that the fundamental rights of men are independent of adventitious differences, whether material or moral, and depend simply upon their manhood.

The other proposition, the contractual basis of human society and its logical consequences, the supremacy of the general will, can be argued in the same fashion. It is best defended by asking, like the Jesuit Suarez, the simple question: "If sovereignty is not in the People, where is it?" It is useless to answer that it is in the "wisest and best." Who are the wisest and best? For practical purposes the phrases must mean either those whom their neighbours think wisest and best--in which case the ultimate test of democracy is conceded--or those who think

themselves wisest and best: which latter is what in the mouths of such advocates it usually does mean. Thus those to whom the Divine Right of the conceited makes no appeal are forced back on the Jeffersonian formula. Let it be noted that that formula does not mean that the people are always right or that a people cannot collectively do deliberate injustice or commit sins--indeed, inferentially it implies that possibility--but it means that there is on earth no temporal authority superior to the general will of a community.

It is, however, no part of the function of this book to argue upon the propositions contained in the Declaration of Independence. It is merely necessary to chronicle the historical fact that Jefferson, as mouthpiece of the Continental Congress, put forward these propositions as self-evident, and that all America, looking at them, accepted them as such. On that acceptance, the intensity and ardent conviction of which showed itself, as will presently be seen, in a hundred ways, the American Commonwealth is built. In the modern haze of doubt and amid the denial of all necessary things, there have been found plenty of sophists, even in America, to dispute these great truisms. But if the American nation as a whole ever ceases to believe in them, it will not merely decay, as all nations decay when they lose touch with eternal truths; it will drop suddenly dead.

We must now turn back a little in time in order to make clear the military situation as it stood when Jefferson's "Declaration" turned the war into a war of doctrines.

The summer of 1775 saw the first engagement which could well be dignified with the name of a battle. A small English force had been sent to Boston with the object of coercing the recalcitrant colony of Massachusetts. It was absolutely insufficient, as the event showed, even for that purpose, and before it had landed it was apparent that its real task would be nothing less than the conquest of America. The Massachusetts rebels wisely determined to avoid a combat with the guns of the British fleet; they abandoned the city and entrenched themselves in a strong position in the neighbourhood known as Bunker's Hill. The British troops marched out of Boston to dislodge them. This they eventually succeeded in doing; and those who regard war as a game like billiards to be settled by scoring points may claim Bunker's Hill as a British victory. But it produced all the consequences of a defeat. The rebel army was not destroyed; it was even less weakened than the force opposed to it. It retired in good order to a position somewhat further back, and the British force had no option but to return to Boston with its essential work undone. For some time England continued to hold Boston, but the State of Massachusetts remained in American hands. At last, in the absence of any hope of any effective action, the small English garrison withdrew, leaving the original prize of war to the rebels.

On the eve of this indecisive contest the American Congress met to consider the selection of a commander-in-chief for the revolutionary armies. Their choice fell on General George Washington, a Virginian soldier who, as has been remarked, had served with some distinction in the French wars.

The choice was a most fortunate one. America and England have agreed to praise Washington's character so highly that at the hands of the young and irreverent he is in some danger of the fate of Aristides. For the benefit of those who tend to weary of the Cherry Tree and the Little Hatchet, it may be well to say that Washington was a very typical Southern gentleman in his foibles as well as in his virtues. Though his temper was in large matters under strict control, it was occasionally formidable and vented itself in a free and cheerful profanity. He loved good wine, and like most eighteenth-century gentlemen, was not sparing in its use. He had a Southerner's admiration for the other sex--an admiration which, if gossip may be credited, was not always strictly confined within monogamic limits. He had also, in large measure, the high dignity and courtesy of his class, and an enlarged liberality of temper which usually goes with such good breeding. There is no story of him more really characteristic than that of his ceremoniously returning the salute of an aged Negro and saying to a friend who was disposed to deride his actions: "Would you have me let a poor ignorant coloured man say that he had better manners than I?" For the rest the traditional eulogy of his public character is not undeserved. It may justly be said of him, as it can be said of few of the great men who have moulded the destinies of nations, that history can put its fingers on no act of his and say: "Here this man was preferring his own interest to his country's."

As a military commander Washington ranks high. He had not, indeed, the genius of a Marlborough or a Napoleon. Rather he owed his success to a thorough grasp of his profession combined with just that remarkably level and unbiassed judgment which distinguished his conduct of civil affairs. He understood very clearly the conditions of the war in which he was to engage. He knew that Great Britain, as soon as she really woke up to the seriousness of her peril, would send out a formidable force of well-disciplined professional soldiers, and that at the hands of such a force no mere levy of enthusiastic volunteers could expect anything but defeat. The breathing space which the incredible supineness of the British Government allowed him enabled him to form something like a real army. Throughout the campaigns that followed his primary object was not to win victories, but to keep that army in being. So long as it existed, he knew that it could be continually reinforced by the enthusiasm of the colonials, and that the recruits so obtained could be consolidated into and imbued with the spirit of a disciplined body. The moment it ceased to exist Great Britain would have to deal

simply with rebellious populations, and Washington was soldier enough to know that an army can always in time break up and keep down a mere population, however eager and courageous.

And now England at last did what, if she were determined to enforce her will upon the colonists, she ought to have done at least five years before. She sent out an army on a scale at least reasonably adequate to the business for which it was designed. It consisted partly of excellent British troops and partly of those mercenaries whom the smaller German princes let out for hire to those who chose to employ them. It was commanded by Lord Howe. The objective of the new invasion--for the procrastination of the British Government had allowed the war to assume that character--was the city of New York.

New York harbour possesses, as anyone who enters it can see, excellent natural defences. Manhattan Island, upon which the city is built, lies at the mouth of the Hudson between two arms of that river. At the estuary are a number of small islets well suited for the emplacement of powerful guns. The southern bank runs northward into a sharp promontory, at the end of which now stands the most formidable of American fortresses. The northern approach is covered by Long Island. The British command decided on the reduction of Long Island as a preliminary to an assault upon the city. The island is long and narrow, and a ridge of high ground runs down it like a backbone. This ridge Washington's army sought to hold against the attack of the British forces. It was the first real battle of the war, and it resulted in a defeat so overwhelming that it might well have decided the fate of America had not Washington, as soon as he saw how the day was going, bent all his energies to the tough task of saving his army. It narrowly escaped complete destruction, but ultimately a great part succeeded, though with great loss and not a little demoralization, in reaching Brooklyn in safety.

The Americans still held New York, the right bank of the Hudson; but their flank was dangerously threatened, and Washington, true to his policy, preferred the damaging loss of New York to the risk of his army. He retired inland, again offered battle, was again defeated and forced back into Pennsylvania. So decided did the superiority of the British army prove to be that eventually Philadelphia itself, then the capital of the Confederacy, had to be abandoned.

Meanwhile another British army under the command of General Burgoyne held Canada. That province had shown no disposition to join in the revolt; an early attempt on the part of the rebels to invade it had been successfully repelled. Besides English and German troops, Burgoyne had the aid of several tribes of Indian auxiliaries, whose aid the British Government had been at some pains to secure--a policy denounced by Chatham in a powerful and much-quoted speech.

Burgoyne was a clever and imaginative though not a successful soldier. He conceived and suggested to his Government a plan of campaign which was sound in strategic principle, which might well have succeeded, and which, if it had succeeded, would have dealt a heavy and perhaps a decisive blow to American hopes. How far its failure is to be attributed to his own faulty execution, how far to the blunders of the Home Government, and how far to accidents which the best general cannot always avoid, is still disputed. But that failure was certainly the turning-point of the war.

Burgoyne's project was this: He proposed to advance from Canada and push across the belt of high land which forms the northern portion of what is now New York State, until he struck the upper Hudson. Howe was at the same time to advance northward up the Hudson, join hands with him and cut the rebellion in two.

It was a good plan. The cutting off and crushing of one isolated district after another is just the fashion in which widespread insurrectionary movements have most generally been suppressed by military force. The Government accepted it, but, owing as it would seem to the laziness or levity of the English Minister involved, instructions never reached Howe until it was too late for him to give effective support to his colleague. All, however, might have prospered had Burgoyne been able to move more rapidly. His first stroke promised well. The important fort of Ticonderoga was surprised and easily captured, and the road was open for his soldiers into the highlands. But that advance proved disastrously slow. Weeks passed before he approached the Hudson. His supplies were running short, and when he reached Saratoga, instead of joining hands with Howe he found himself confronted by strongly posted American forces, greatly outnumbering his own ill-sustained and exhausted army. Seeing no sign of the relief which he had expected to the south--though as a fact Howe had by this time learnt of the expedition and was hastening to his assistance--on October 6, 1777, he and his army surrendered to the American commander, General Gates.

The effect of Burgoyne's surrender was great in America; to those whose hopes had been dashed by the disaster of Long Island, the surrender of New York and Washington's enforced retreat it brought not only a revival of hope but a definite confidence in ultimate success. But that effect was even greater in Europe. Its immediate fruit was Lord North's famous "olive branch" of 1778; the decision of the British Government to accept defeat on the original issue of the war, and to agree to a surrender of the claim to tax the colonists on condition of their return to their allegiance. Such a proposition made three years earlier would certainly have produced immediate peace. Perhaps it might have produced peace even as it was--though it is unlikely, for the declaration had filled men's souls with a new

hunger for pure democracy--if the Americans had occupied the same isolated position which was theirs when the war began.

But it was not in London alone that Saratoga had produced its effect. While it decided the wavering councils of the British Ministry in favour of concessions, it also decided the wavering councils of the French Crown in favour of intervention.

As early as 1776 a mission had been sent to Versailles to solicit on behalf of the colonists the aid of France. Its principal member was Benjamin Franklin, the one revolutionary leader of the first rank who came from the Northern colonies. He had all the shrewdness and humour of the Yankee with an enlarged intelligence and a wide knowledge of men which made him an almost ideal negotiator in such a cause. Yet for some time his mission hung fire. France had not forgotten her expulsion from the North American continent twenty years before. She could not but desire the success of the colonists and the weakening or dismemberment of the British Empire. Moreover, French public opinion--and its power under the Monarchy, though insufficient, was far greater than is now generally understood--full of the new ideals which were to produce the Revolution, was warmly in sympathy with the rebellion. But, on the other hand, an open breach with England involved serious risks. France was only just recovering from the effects of a great war in which she had on the whole been worsted, and very decidedly worsted, in the colonial field. The revolt of the English colonies might seem a tempting opportunity for revenge; but suppose that the colonial resistance collapsed before effective aid could arrive? Suppose the colonists merely used the threat of French intervention to extort terms from England and then made common cause against the foreigner? These obvious considerations made the French statesmen hesitate. Aid was indeed given to the colonial rebels, especially in the very valuable form of arms and munitions, but it was given secretly and unofficially, with the satirist Beaumarchais, clever, daring, unscrupulous and ready to push his damaged fortunes in any fashion, as unaccredited go-between. But in the matter of open alliance with the rebels against the British Government France temporized, nor could the utmost efforts of Franklin and his colleagues extort a decision.

Saratoga extorted it. On the one hand it removed a principal cause of hesitation. After such a success it was unlikely that the colonists would tamely surrender. On the other it made it necessary to take immediate action. Lord North's attitude showed clearly that the British Government was ready to make terms with the colonists. It was clearly in the interests of France that those terms should be refused. She must venture something to make sure of such a refusal. With little hesitation the advisers of the French Crown determined to take the plunge. They acknowledged the revolted colonies as independent States, and entered into a

defensive alliance with these States against Great Britain. That recognition and alliance immediately determined the issue of the war. What would have happened if it had been withheld cannot be certainly determined. It seems not unlikely that the war would have ended as the South African War ended, in large surrenders of the substance of Imperial power in return for a theoretic acknowledgment of its authority. But all this is speculative. The practical fact is that England found herself, in the middle of a laborious, and so far on the whole unsuccessful, effort to crush the rebellion of her colonies, confronted by a war with France, which, through the close alliance then existing between the two Bourbon monarchies, soon became a war with both France and Spain. This change converted the task of subjugation from a difficult but practicable one, given sufficient time and determination, to one fundamentally impossible.

Yet, so far as the actual military situation was concerned, there were no darker days for the Americans than those which intervened between the promise of French help and its fulfilment. Lord Cornwallis had appeared in the South and had taken possession of Charleston, the chief port of South Carolina. In that State the inhabitants were less unanimous than elsewhere. The "Tories," as the local adherents of the English Crown were called, had already attempted a rebellion against the rebellion, but had been forced to yield to the Republican majority backed by the army of Washington. The presence of Cornwallis revived their courage. They boasted in Tarleton, able, enterprising and imperious, an excellent commander for the direction of irregular warfare, whose name and that of the squadron of horse which he raised and organized became to the rebels what the names of Claverhouse and his dragoons were to the Covenanters. Cornwallis and Tarleton between them completely reduced the Carolinas, save for the strip of mountainous country to the north, wherein many of those families that Tarleton had "burnt out" found refuge, and proceeded to overrun Georgia. Only two successes encouraged the rebels. At the Battle of the Cowpens Tarleton having, with the recklessness which was the defeat of his qualities as a leader, advanced too far into the hostile country, was met and completely defeated by Washington. The defeat produced little immediate result, but it was the one definite military success which the American general achieved before the advent of the French, and it helped to keep up the spirit of the insurgents. Perhaps even greater in its moral effect was the other victory, which from the military point of view was even more insignificant. In Sumter and Davie the rebels found two cavalry leaders fully as daring and capable as Tarleton himself. They formed from among the refugees who had sought the shelter of the Carolinian hills a troop of horse with which they made a sudden raid upon the conquered province and broke the local Tories at the Battle of the Hanging Rock. It was a small affair so far as numbers went, and Davie's troopers were a handful of irregulars drawn as best might be from the hard-riding, sharp-shooting population of the South.

Many of them were mere striplings; indeed, among them was a boy of thirteen, an incorrigible young rebel who had run away from school to take part in the fighting. In the course of this narration it will be necessary to refer to that boy again more than once. His name was Andrew Jackson.

While there was so little in the events of the Southern campaign to bring comfort to the rebels, in the North their cause suffered a moral blow which was felt at the moment to be almost as grave as any military disaster. Here the principal American force was commanded by one of the ablest soldiers the Rebellion had produced, a man who might well have disputed the pre-eminent fame of Washington if he had not chosen rather to challenge--and with no contemptible measures of success--that of Iscariot. Benedict Arnold was, like Washington, a professional soldier whose talent had been recognized before the war. He had early embraced the revolutionary cause, and had borne a brilliant part in the campaign which ended in the surrender of Burgoyne. There seemed before him every prospect of a glorious career. The motives which led him to the most inextinguishable of human crimes were perhaps mixed, though all of them were poisonous. He was in savage need of money to support the extravagance of his private tastes: the Confederacy had none to give, while the Crown had plenty. But it seems also that his ravenous vanity had been wounded, first by the fact that the glory of Burgoyne's defeat had gone to Gates and not to him, and afterwards by a censure, temperate and tactful enough and accompanied by a liberal eulogy of his general conduct, which Washington had felt obliged to pass on certain of his later military proceedings. At any rate, the "ingratitude" of his country was the reason he publicly alleged for his treason; and those interested in the psychology of infamy may give it such weight as it may seem to deserve. For history the important fact is that Arnold at this point in the campaign secretly offered his services to the English, and the offer was accepted.

Arnold escaped to the British camp and was safe. The unfortunate gentleman on whom patriotic duty laid the unhappy task of trafficking with the traitor was less fortunate. Major André had been imprudent enough to pay a visit to a spot behind the American lines, and, at Arnold's suggestion, to do so in plain clothes. He was taken, tried, and hanged as a spy. Though espionage was not his intention, the Americans cannot fairly be blamed for deciding that he should die. He had undoubtedly committed an act which was the act of a spy in the eyes of military law. It is pretty certain that a hint was given that the authorities would gladly exchange him for Arnold, and it is very probable that the unslaked thirst for just vengeance against Arnold was partly responsible for the refusal of the American commanders to show mercy. André's courage and dignity made a profound impression on them, and there was a strong disposition to comply with his request that he should at least be shot instead of hanged. But to that

concession a valid and indeed irresistible objection was urged. Whatever the Americans did was certain to be scanned with critical and suspicious eyes. Little could be said in the face of the facts if they treated André as a spy and inflicted on him the normal fate of a spy. But if they showed that they scrupled to hang him as a spy, it would be easy to say that they had shot a prisoner of war.

Arnold was given a command in the South, and the rage of the population of that region was intensified into something like torment when they saw their lands occupied and their fields devastated no longer by a stranger from overseas who was but fulfilling his military duty, but by a cynical and triumphant traitor. Virginia was invaded and a bold stroke almost resulted in the capture of the author of the Declaration of Independence himself, who had been elected Governor of that State. In the course of these raids many abominable things were done which it is unnecessary to chronicle here. The regular English troops, on the whole, behaved reasonably well, but Tarleton's native "Tories" were inflamed by a fanaticism far fiercer than theirs, while atrocity was of course normal to the warfare of the barbarous mercenaries of England, whether Indian or German. It is equally a matter of course that such excesses provoked frequent reprisals from the irregular colonial levies.

But aid was at last at hand. Already Lafayette, a young French noble of liberal leanings, had appeared in Washington's camp at the head of a band of volunteers, and the accession, small as it was, led to a distinct revival of the fortunes of the revolution in the South. It was, however, but a beginning. England, under pressure of the war with France and Spain, lost that absolute supremacy at sea which has ever been and ever will be necessary to her conduct of a successful war. A formidable French armament was able to cross the Atlantic. A French fleet threatened the coasts. Cornwallis, not knowing at which point the blow would fall, was compelled to withdraw his forces from the country they had overrun, and to concentrate them in a strong position in the peninsula of Yorktown. Here he was threatened on both sides by Washington and Rochambeau, while the armada of De Grasse menaced him from the sea. The war took on the character of a siege. His resources were speedily exhausted, and on September 19, 1781, he surrendered.

It was really the end of the war so far as America was concerned, though the struggle between England and France continued for a time with varying fortunes in other theatres, and the Americans, though approached with tempting offers, wisely as well as righteously refused to make a separate peace at the expense of their Allies. But the end could no longer be in doubt. The surrender of Burgoyne had forced North to make concessions; the surrender of Cornwallis made his resignation inevitable. A new Ministry was formed under Rockingham pledged to

make peace. Franklin again went to Paris as representative of the Confederation and showed himself a diplomatist of the first rank. To the firmness with which he maintained the Alliance against the most skilful attempts to dissolve it must largely be attributed the successful conclusion of a general peace on terms favourable to the Allies and especially favourable to America. Britain recognized the independence of her thirteen revolted colonies, and peace was restored.

I have said that England recognized her thirteen revolted colonies. She did not recognize the American Republic, for as yet there was none to recognize. The war had been conducted on the American side nominally by the Continental Congress, an admittedly ad hoc authority not pretending to permanency; really by Washington and his army which, with the new flag symbolically emblazoned with thirteen stars and thirteen stripes, was the one rallying point of unity. That also was now to be dissolved. The States had willed to be free, and they were free. Would they, in their freedom, will effectively to be a nation? That was a question which not the wisest observer could answer at the time, and which was not perhaps fully answered until well within the memory of men still living. Its solution will necessarily form the main subject of this book.