

The 'Infamous Governor:' Francis Bernard and the Origins of the
American Revolution in Massachusetts

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INTRODUCTION

This paper is largely a synopsis of my work on the political origins of the American Revolution. Some years ago I began writing about the ideology and political behaviour of the Massachusetts “friends of government,” men who were the embodiment of antirevolutionary opinion in the province. They were an ideological congeries of conservatives and moderates, including many future loyalists, whose sympathies generally lay with the royal governor or who, from the mid-1760s, actively opposed the whig protest movement and, in the case of several disaffected whigs, broke with its radical leadership. My principal objective is to ascertain why some colonists became loyalists and why others--who had good reason to do so--did not. I looked in short to demonstrate why loyalism was so weak in Massachusetts when war broke out in 1775.

Lately, I have concentrated upon the relationships between the friends of government and the provincial administration and royal governor. In this I have a dual purpose to explain

- why royal government was politically ineffective in the 1760s and 1770s, and
- why in consequence there was no substantive counterrevolutionary movement to speak of after 1775.

Hitherto the bulk of scholarship has focused on the emergence of the popular whig protest movement, which successfully challenged then resisted British colonial policies during the administration of governor Francis Bernard, 1760-1771.¹ Bernard himself still awaits reappraisal. His achievements and failings as a governor, his relations with colonial factions, and his influence in the formulation of British policy have never been fully addressed.²

My thesis is that while the ideological bases for a counterrevolutionary movement emerged in Massachusetts during Bernard’s administration and those of his successors, its political form never fully developed. One reason is the fraught and fragile relationship between governor Bernard--one of the most controversial of all Crown officials--and the friends of government.

I

Francis Bernard is historically important for who he was, what he represented, and what he did to undermine British-colonial relations.

¹The most important and detailed accounts of Massachusetts politics during this period are Leslie J. Thomas, “Partisan Politics in Massachusetts During Governor Bernard's Administration, 1760-1770,” Unpublished Ph.D. Dissertation, University of Wisconsin, 1960; 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.

²Thomas Bernard, *Life of Sir Francis Bernard* (privately printed, London, 1790); Mrs Napier [Sophie Elizabeth] Higgins, *The Bernards of Abington and Nether Winchenden: A Family History*, 4 vols. (Longmans, Green & Co., London 1903-1904). The only modern biography, by the American historian Jordan D. Fiore, is an informative if flawed study, and has never been published. 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.” Fiore lapsed into romantic nationalism when he contended that the success of the revolutionaries attested to their superior strength of character. He also misconstrued both Bernard’s and the colonists’ understanding of what a governor’s responsibilities entailed by anachronistically suggesting that Bernard was a “civil servant.” 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. Jordan D. Fiore, “Francis Bernard, Colonial Governor,” Unpublished Ph.D. Dissertation, Boston University, 1950, vi, 452-453, 465.

Who was he?

Bernard was forty-six years old when he was appointed governor of New Jersey in 1758. Both his natural parents had died when he was but an infant and he was raised by a scholarly step-father, an Anglican cleric. Everything we know about Bernard's life in England is in keeping with the dignity of a clergyman's status: an education at England's oldest public school--Westminster--then Christ Church, Oxford, and the Inns of Court. He married into a prominent Presbyterian family with aristocratic connections, and practised law in the East Midlands town of Lincoln. Preferment in local government and the Church of England quickly followed.

Bernard's appointment as governor of New Jersey, and his subsequent promotion to Massachusetts, were secured by his wife's influential cousin, Lord Barrington, who for a while was a rising star in Newcastle's administration. It is likely too that Bernard was considered a loyal whig on account of his additional connections among the Lincolnshire aristocracy and gentry.

What attributes did Bernard possess?

Few Americans ever doubted that the flaws they saw in Bernard's character were the product of his upbringing in England. Bernard, screeched James Otis, was an "*Oxonian, a bigot, a plantation governor,*" whose "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."³

II

What then did Bernard represent?

To most Americans, Bernard embodied the aggressive centralising state of mind that characterised the British imperial elite in the two decades before independence. To those patriots who risked their lives and property in civil war and in rebellion against British rule, Bernard, was the arch-enemy of the American struggle for self-government. Many patriots believed that the political origins of the Revolution could be traced to Bernard's administration in Massachusetts, between 1760 and 1771. The colonists had expected Bernard's support when they campaigned against Britain's imperial reforms, particularly the introduction of the Stamp Act and Parliamentary taxation in 1765. These hopes faded quickly when it became known that Bernard had accused colonial leaders like Otis of sedition and presented ministers with a radical proposition for restructuring Britain's American empire, and concentrating power in the governor's office. Even those colonists who remained loyal to Britain, including some who had supported the governor in his tussles with Otis and his "faction," accused Bernard of political mismanagement and recklessness, though by and large without malice.

III

What did Bernard do to undermine British-colonial relations?

³ Otis to Jasper Mauduit, October 28, 1762, in Worthington C. Ford, "Jasper Mauduit Agent in London, 1762-1765," *Collections of the Massachusetts Historical Society*, 74 (Boston, 1918), 77-78;

The governor was the most important official in the government of any colony.⁴ To the British, the success of any royal governor could be measured by the extent to which he was able to work out what has been called “day-to-day” compromises with the colonial legislature over issues relating, for example, to currency regulation, the enforcement of the trade laws or the resourcing of British and provincial regiments.

The success of any governor was also a reflection of his capability in attending to the interests of the provincial elites who dominated the legislatures. Bernard proved himself a singularly able administrator and politician in New Jersey where he helped to resolve the competing demands of London and vested interests in the province over the colony’s contribution to the French and Indian War.

There were numerous obstacles--some political others personal or ideological--which Bernard and other royal governors had to overcome. Perhaps the most important of these was the fact that at the beginning of their administrations governors were invariably politically isolated. Not only did they have to win the trust of the colonial elites, but, as the history of Bernard’s administration in Massachusetts shows, they had also to create a power-base within the legislature if they were to have kind of success in implementing some of Britain’s more controversial reforms.

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 colony, and to promote colonial interests generally. 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 in the Massachusetts legislature, “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 George III’s “public assumption of it.” With the new king appealing for an end to party strife in Britain, Bernard pledged to leave “the Way to Honour and publick Employment . . . open to every one who has Merit.”⁵

The speech was a defining moment in the early part of Bernard’s administration. Bernard’s appeal to New Englanders to help him establish a “broad bottom” administration echoed the rallying cry of country ideologues in Britain and back-benchers in the House Commons seeking assurances from ministers. But it was not antithetical to the notion of using patronage for wider political ends.⁶ Bernard, like Newcastle, regarded the liberal disbursement of patronage as one means of institutionalising dissent or of placating potential enemies.⁷

Why, then, could Bernard not repeat in Massachusetts the successes he enjoyed in New Jersey? When the colonists’ genuine constitutional and economic aspirations were thwarted in the mid-1760s by Britain’s imperial reforms, the provincial administrations

⁴Apart from the governor, and the council in its advisory capacity, there were seven other principal executive officers: the lieutenant-governor, the province secretary, the treasurer, the attorney-general and solicitor general, and the commissioner of impost and excise. They were all supported by clerks and underlings, and worked closely with county officers like the sheriffs and coroners.

⁵*Boston Newsletter* June 4, 1761.

⁶John Brewer, *Party Ideology and popular Politics at the Accession of George III* (Oxford University Press, London et.c., 1976), 13, 45-46.

⁷In his first two years in office, Bernard and the Council appointed 462 justices of the peace, 117 in Boston and Suffolk County alone, comprising approximately one percent of adult males in the province. Absolutely and proportionately, this figure exceeded the numbers of justices for English counties like Buckinghamshire, Essex, and Hampshire, and was only some forty short of Middlesex. William H. Whitmore, *The Massachusetts Civil List for the Colonial and Provincial Periods* (ed. Baltimore, 1969), 130-153; Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Cornell University Press, Ithaca, New York, 1988), 48-49; Fiore, “Francis Bernard: Colonial Governor,” 100, 117-123. Figures for the commissions for England and Wales are in Norma Landau, *The Justices of the Peace, 1679-1760* (University of California Press, Berkeley, 1984), Appendix A, 366-372.

became the locus of internal political struggles which further undermined the influence and standing of royal officials.

The assurances Bernard proffered that he would not unduly show favour to one faction over another, were contradicted by the ease with which he made enemies. Bernard's adversaries included some of the Revolution's vaunted leaders. James Otis was one of the first colonists he alienated when he thwarted the designs of Otis's father to become Massachusetts's Chief Justice, and appointed instead the Otises' great rival lieutenant-governor Thomas Hutchinson. In an oft-quoted phrase, he exclaimed that it was James Otis Jr.'s intention to avenge the slight to his father had led him to "set the whole province in a flame."⁸ Samuel Adams, a failed business man, but the most influential of Boston's popular politicians, clerk of the House of Representatives, and author of its most important and intelligent pronouncements, thought Bernard woefully ignorant of colonial rights and liberties. Among the merchants whose lives he touched, and for whom Bernard promised much and delivered little, were James Bowdoin, the scion of a fine family connected to the British aristocracy, who "harmonized" opposition in the governor's Council; and John Hancock, who squandered his fortune on politics before beckoning Americans to strive for independence from Britain with an elegant pen.

The turning point of Bernard's administration occurred when he lost the confidence of the House of Representatives for failing to represent provincial interests more effectively when the Grenville ministry introduced the Revenue Act and Stamp Act. Bernard struggled to comprehend the radicalisation of colonial politics and ideology which Grenville had inadvertently set in motion. When the English governor spoke not of protecting those same rights but of accepting Parliament's supreme authority to do what it liked, concluded Benjamin Franklin, he firmly established in American minds "the Grenvillian Notion of a necessary Connexion between Subjection and Taxation."⁹

The sheer unpopularity of the Stamp Act, together with the riots in Boston of August 1765, 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' 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 consequences arising from 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.

When Bernard chose to employ the imagery of social conflict and civil war, he aimed to exploit perceptions rather more than actualities. 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 August riots. In this respect, Bernard glimpsed the nascent political and ideological divisions which in ten years time would divide Americans into patriots and loyalists, a vision that was predicated on a deterministic view of colonial politics, but which nonetheless explains the anathema between himself and the colonists.

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

⁸Bernard to Shelburne, Boston, December 22, 1766, BP, 4: 275-276. c.f. Leslie, "Partisan Politics," 19n.

⁹[Benjamin Franklin], "The Colonists' Advocate," *Public Advertiser*, February 12, 1770, in Benjamin W. Labaree, ed., *The Papers of Benjamin Franklin* (New Haven London : Yale University Press, [1959]-), 17: 68.

maintain royal government. The friends of government were not Tories but the embodiment of antirevolutionary opinion in Massachusetts. They were an ideological congeries of moderates and conservatives, and future loyalists whose sympathies generally lay with the royal governor, or, who from the mid-1760s, actively opposed the protest movement or, in the case of several disgruntled Whigs, broke with its radical leadership. While they freely admitted that the colonists had genuine grievances over taxation, they refused to believe that there was conspiracy in London to deprive them of their basic liberties, and came to see in the protest movement itself the seeds of a “democratic tyranny.”¹⁰

The friends of government in the House of Representatives were not a court party but an amorphous group, who, as Bernard found out, could not be relied upon. Analysis of the largely negative responses of the friends of government to Bernard’s efforts to build up a coalition helps to illustrate the basic shift in political power away from the governor’s close circle of advisers to a broad-based movement for colonial self-government. The Stamp Act Crisis irrevocably weakened the political base of imperial authority and Bernard’s administration, not only because it pitted a colonial protest movement against the governor¹¹ but also because it effectively marginalised the “friends of government,” men who might otherwise have been able to help Britain, Bernard, and the legislature effect some sort of compromise over the colonists’ many grievances.

The Stamp Act Crisis also radicalised the Council, although not to the extent that the Board ever came under the domination of under the control of James Bowdoin, a close ally of a Samuel Adams, James Otis Jr.¹² Bernard’s influence over the Council waned but was not removed after the purge of officeholders in May 1766: he was not so much deprived of one sure means of checking the influence of the lower house,¹³ but compelled to fight for the support of moderates on virtually every controversial policy issue. Between 1766 and 1769, the Council included a substantial minority ready to challenge every executive proposal and endorse some of the more extreme ideas of the House; but it was moderates who held the balance of power, most of whom can be counted as friends of government and loyalists after Bernard’s departure from the province. The moderates in short justified their association with the radicals by claiming that Bernard’s behaviour was unlikely to encourage the colonists to act with restraint.

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 and taxation. Bernard’s alleged duplicity disguised his urgent quest to educate policy-makers in Whitehall and Parliament that the Stamp Act and Townshend Acts of 1767 were a “serious miscalculation.” Bernard’s reports carried an unambiguous message to ministers in London: his administration lacked political influence to persuade Americans to accept these measures. Ministers reacted to Bernard’s

¹⁰The identities of 727 friends of government have been established in a prosopographical survey of those persons who were politically active in support of the royal governor or in opposition to the Whig protest movement on at least one occasion between 1765 and 1775. Colin Nicolson, “Governor Francis Bernard, the Massachusetts Friends of Government, and the Advent of the Revolution,” *Proceedings of the Massachusetts Historical Society*, 101 (1991), 24-113.

¹¹ Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (Cornell University Press, Ithaca, New York, 1955), 176-177, 182-189, 221-232; William Pencak, *War, Politics & Revolution in Provincial Massachusetts* (Northeastern University Press, Boston, 1981), 172-174, 185-206.

¹²Francis G. Walett, “The Massachusetts Council: The Transformation of a Conservative Institution”, *William and Mary Quarterly*, third series, 6 (1949): 605-627

¹³ Thomas Hutchinson, *History of Massachusetts . . . 3 vols.*, edited by Lawrence S. Mayo, (Cambridge, Mass, 1936; repr., New York, 1971), 3: 146, 215-216, 293, 298-299; Walett, “The Massachusetts Council,” , 605-627; John C. Miller, *Origins of the American Revolution* (ed. Stanford University Press, Stanford, Calif., 1959), 238-239, 263; Thomas, “Partisan Politics,” 2: 667-694.

reports largely in spite of rather than because of their alarmist tone, when, in 1765 and 1768, they placed General Gage in New York on a state of alert to respond to any request for troops made by a provincial governor and council.

Bernard's failure to fashion a political coalition dedicated to "supporting the authority of government" left Bernard politically isolated and ineffective. But it also left Britain without any solid political base from which to negotiate with the recalcitrant New Englanders.

The publication of Bernard's correspondence with ministers in April 1769, in which such baleful topics were freely discussed, was the immediate cause of his public disgrace. It prompted a sensational attempt by the assembly to have Bernard dismissed from office and impeached by the Privy Council, the highest court of appeal for the colonies. Shortly thereafter, when Bernard returned to Britain on leave, Bostonians celebrated his departure as they might a victory over the French, with canons firing, church bells ringing, and a plethora of satirical jibes. One citizen left a simple but enduring message for future generations, etched in a window pane: "August 2d 1769/The infamas/Govener left/our town."¹⁴

Saddled with such a seemingly hostile, intransigent governor as Bernard, it is unsurprising then that the colonists became fearful of a conspiracy to deprive them of their basic rights.¹⁵ But the accusations of disloyalty and treachery which Bernard and the New Englanders levelled at each other inevitably intruded in the formulation and execution of British colonial policy, on occasions when sensitive diplomacy was required to prevent further deterioration in relations.

Paradoxically Bernard's influence in London increased as his standing in Massachusetts rapidly decreased. He was rewarded with a baronetcy and exonerated by the Privy Council on his return home. He resigned the governorship in 1771 and was succeeded by his confidante and deputy Thomas Hutchinson. Bernard continued to advise ministers in an unofficial capacity until he suffered a debilitating stroke in 1772, induced by the stress of having spent nine turbulent years in Massachusetts.

Bernard's political failures had clear repercussions for British-colonial relations. Ministers knew that Bernard was facing a well organised protest movement. Their collective folly was not just to persist with ill-conceived plans to tax the colonists, as Bernard argued, but also to accept, largely uncritically, the grim reports of incipient revolution provided by Bernard and his successors, Thomas Hutchinson and General Thomas Gage. On several occasions--in 1768, in 1770, and in 1774-- when officials and ministers were devising means to deter resistance to British policies, Bernard's analyses of colonial affairs, and his proposals for action, proved informative and instructive. By refusing to make concessions to "demagogues" on legislative independence, by overreacting to exaggerated predictions of civil disorder, and finally by imposing a series of Draconian constitutional reforms on Massachusetts, the British effectively reduced the range of political options open to Americans to reach a peaceful compromise. "In one sense," wrote P.D.G. Thomas what was occurring in America was a clarification rather than a change of attitude. A state of confrontation became apparent because the behaviour of men like Bernard and Hutchinson in America and [the Earl of] Hillsborough and [Lord] North in Britain obliged the colonists to devise logical and explicit expressions of hitherto unformulated assumptions."¹⁶

¹⁴Museum artefact no.0170, MHS, and *Proceedings of the Massachusetts Historical Society*, first series, 13 (1874-1875), 451.

¹⁵Bernard Bailyn, *The Ideological Origins of the American Revolution* (Harvard University Press, Cambridge, Mass, 1967), vi, 22-23, 109, 121-123, 277-279, 284.

¹⁶P.D.G.Thomas, *The Townshend Duties Crisis: the Second Phase of the American Revolution, 1767-1773*, (Clarendon Press, Oxford, 1987), 262.

IV

Bernard lived long enough to witness the transformation of a popular protest movement into a political revolution that presaged the end of British rule in thirteen colonies. The absence of a strong conservative movement during Bernard's administration can partly explain the weakness of the loyalist counter-revolution in Massachusetts after the commencement of military hostilities at Lexington and Concord in April 1775.¹⁷

When the patriots overthrew royal government, they banished Bernard from the new state of Massachusetts, along with hundreds of loyalist refugees, and dispossessed him of much of his property. His name was placed at the head of the state's list of "certain notorious conspirators against the government and liberties of the inhabitants of the late province."¹⁸ Bernard's fate constituted an exemplary lesson to all those who denied the maxims of popular sovereignty enshrined in the Declaration of Independence. Some six months before independence became a reality, the Massachusetts legislature supposed, that

When Kings, Ministers, Governors, or Legislators . . . instead of exercising the Powers invested in them according to the Principles, Forms, and Proportions stated by the Constitution, and established by the original Compact [of government], prostitute those Powers to the Purposes of Oppression;--to subvert, instead of supporting a free Constitution;--to destroy, instead of preserving the Lives, Liberties and Properties of the People;--they are no longer to be deemed Magistrates vested with a sacred Character, but become public Enemies, and ought to be resisted.¹⁹

Bernard died in 1779, four years before Cornwallis's surrender at Yorktown, still angry and bitter with the Americans.

¹⁷These themes are explored in Nicolson, "Governor Francis Bernard, the Massachusetts Friends of Government, and the Advent of the Revolution," 24-113 ; Colin Nicolson, "McIntosh, Otis & Adams are our demagogues": Nathaniel Coffin and the Loyalist Interpretation of the Origins of the American Revolution,' *Proceedings of the Massachusetts Historical Society*, 107 (1996-1997), 71-115; Colin Colin Nicolson, "The Friends of Government: Loyalism, Ideology and Politics in Revolutionary Massachusetts," 2 vols., Unpublished Ph.D. dissertation, University of Edinburgh, 1988.

¹⁸James H. Stark, *The Loyalists of Massachusetts and the Other Side of the American Revolution* (n.p. Boston, 1910), 137-144.

¹⁹*The Journals of the House of Representatives of Massachusetts, 1715-1776*, 53 vols., (Massachusetts Historical Society, Boston, 1919-1985), 51: 189.