

Silas WHO?

By CARL BRIDENBAUGH

AN ELM TREE grew in Providence. It stood in 1765 at the corner of what are now North Main and Olney Streets in front of a much frequented tavern. Fifteen or twenty feet up from the ground where the trunk branched, the innkeeper had built a summer house to which, on a hot summer's evening, his patrons might ascend to cool off, view the town's sights, and converse while they smoked their pipes and consumed quantities of rum and spirits. No record survives of how, when darkness came, they succeeded in descending. This majestic elm with its civic aerie was chosen by the Sons of Liberty to be the symbol of colonial resistance to the detested Stamp Act.

The *Providence Gazette* for July 30, 1768, published a report of a public meeting, momentous at the time but today never mentioned as among the most significant incidents leading up to the American Revolution. It read: "On Monday last at Five in the Afternoon, being the Time appointed for dedicating the Great Elm-Tree, at Capt. Joseph Olney's in this Town, to be a Tree of Liberty, there was a great Concourse of very respectable People of this and the other neighbouring Towns, many coming a considerable Distance out of Massachusetts-Bay, to assist on the Occasion. An animated Discourse was delivered from the Summer-House in the Tree, by a Son of Liberty . . . After which followed the Ceremony of Dedication, thus — the People in the Summer-House laying their Hands on the Tree, the Gentleman who gave the Discourse pronounced these words aloud: *We do therefore, in the Name and Behalf of all the true SONS OF LIBERTY in America, Great-Britain, Ireland, Corsica, or wheresoever they are dispersed*

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throughout the world, dedicate and solemnly devote this tree, to be a TREE OF LIBERTY."

Who was this eloquent Son of Liberty whose oration can be said to have been the most important and far-reaching single event in the pre-revolutionary history of the Colony of Rhode Island and Providence Plantations? His name was Silas Downer. Yet today he is unknown to all save a few historians, a very few. "I am a very Small Man in Stature besides my diminutive Size in other respects," he once wrote with becoming though excessive modesty. Here we may at last accord him his rightful place in our history.

Coming down to Rhode Island about 1751 armed with two degrees from Harvard College, Silas Downer set up at Providence as a scrivener or professional penman, copyist, and public notary. Because he was one of a handful of highly educated men in the colony and of pronounced skill in handwriting, he soon rose to be an attorney-at-law and may in truth be called the Father of the Providence Bar.

He served as Attorney General in 1765-1766, and in 1767 did most of the work for a revision of the laws of Rhode Island. Perennially active in civic affairs, he performed a lasting service in May 1767 for his adopted town in a long communication to the *Providence Gazette* proposing for the first time the erection of a market house at the Great Bridge which, when built in 1773 (and still standing) signalized in brick and stone the challenge to Newport made by a rising Providence.

Scrivening and the legal business of the burgeoning seaport drew Downer increasingly into contact with influential merchants, especially the Browns and the Hopkinses, as

Silas Downer, whose little-known 'Discourse' at the dedication of the Liberty Tree in Providence in 1768 ought to rank as Rhode Island's single most important step toward liberty.

he copied their letters, drew up documents for them, and gave them good legal advice. Before long, his educational attainments, general culture and pleasing personality won him membership in the gentry of Rhode Island.

The Proprietors of the Providence Library (now the Athenaeum), of which he had been a founding member, made him librarian in 1762. This was probably the work of his friend Stephen Hopkins who, at the same time, was backing William Goddard in establishing the *Providence Gazette*. From the printing office at the Shakespeare's Head and from the Library in the Court House, this trio — the merchant-politician, the lawyer-writer, and the printer — were responsible for the singular effectiveness of the revolutionary propaganda broadcast from Providence, propaganda of the kind that could inspire Phebe Waterman, a teenage Daughter of Liberty, to write in a youthful, bold hand on the margins of several pages of a printed Liberty-Tree Discourse: "Yankee Doodle Doodle."

He spoke what no one else dared say.

As relations between England and her colonies in America grew strained and critical after 1763, Silas Downer identified himself selflessly and unreservedly with the colonial "patriots"; he spoke in 1766 of "an Enthusiasm in Liberty's Cause, which possessed my whole Soul in the late Controversies." The proposed Sugar Act of 1764 spelled disaster for the mercantile community of the little colony. The merchants of Providence began to organize immediately to prevent its passage, and Silas Downer prepared what might be called their position paper, much of which was later incorporated in the celebrated Rhode Island Remonstrance, the ablest analysis of colonial trade.

Revolutionaries are not prone to keep records of what they are doing or to leave traces of their methods and actions, and this is the principal

reason why Silas Downer is so little known today. Furthermore, his innate modesty and the realization that he did not make an impressive public figure induced the lawyer to refrain from ever seeking office and to remain unobtrusively in the background of Rhode Island political activities. If he hungered for power, the satisfaction of his appetite came with manipulating with the radical leaders a series of successful operations in which his literary talent paid off handsomely, if without fanfare. On the other hand, his Harvard and other connections in law and commerce enabled him to become one of the earliest intercolonial personages of the Revolutionary Era.

The passage of the Stamp Act in 1765 opened a career for the use of his ability. Up and down the continent, groups of "patriots" sprang up spontaneously, almost overnight. What they lacked was regular communication with each other and unified direction when crises arose. Downer became the secretary of the Sons of Liberty at Providence and promptly devoted all of his energies to instituting and perpetuating a regular correspondence with the Sons in Boston, Newport, Norwich, New York, and Philadelphia. Even after Parliament repealed the Stamp Act, he insisted that a permanent body ought to be constantly on the alert for the slightest attempt by England to mount further assaults on colonial liberties. Eternal vigilance should be maintained or freedom would, inevitably be sapped away, unperceived by the public.

While the majority of his fellow colonists rejoiced over repeal, Downer agonized over the Declaratory Act that asserted Parliament's right "to bind the colonies and people of America . . . in all cases whatsoever." To the Sons at Manhattan he wrote: "What could not be brought to pass by an undisguised and open attack on our liberties, is intended to be done by secret machinations, by artifice and cunning." The new taxes provided by the Townshend



Acts, which became law in November 1767, confirmed his deepest forebodings. His group at Providence perceived at once that these laws, in effect, circumscribed the authority of all colonial assemblies. For them the issue was drawn: either Parliament had the right to make all laws for the colonies, or it had no right at all.

Privately, Benjamin Franklin, Samuel Adams, and some other men had become convinced that Parliament had no authority over the colonies, but they always prudently stopped short of asserting this publicly in speeches or pamphlets lest the colonies offend their friends in the Parliament.

No such misgivings restrained Silas Downer. Ever since King Charles II had granted the colony a charter in 1663, Rhode Islanders had acted as though they constituted a tiny commercial republic. They had evaded, ignored, or violated British law with impunity for more than a century. They could do this because they had almost no direct commercial connections with England, and Britons knew of their existence only vaguely, many of them believing that Rhode Island was a part of Massachusetts-Bay. Casually and overtly, in fact if not in theory, the denizens of the smallest colony were old hands at denying Parliamentary power.

Over a period of five years, through the *Providence Gazette* and in numerous pamphlets, Downer, Hopkins, and Goddard had been conditioning the public mind of their colony by means of brilliantly managed propaganda to accept the naked truth. Suddenly in 1768 they found it necessary to argue the constitutionality of their actions. From up in the Summer House in the elm tree on Monday, July 25 of that year, Silas Downer laid it out for them with unsurpassed clarity in a thrilling speech. His timing was perfect, for the crowd was ready to listen and applaud.

As one reads Downer's *Discourse*, the eloquence and unequivocally

radical argument still leap out from its yellowed pages. No summary is needed; only the conclusion concerns us now. After reviewing all of the constitutional arguments over taxation made since the days of the Sugar Act, Silas Downer came to the point: "In short, I cannot be persuaded that the parliament of Great-Britain have any lawfull right to make any laws whatsoever to bind us, because there can be no fountain from which such right can flow," and went on to insist that "we must be governed by our own parliaments, in which we can be in person, or by representation."

Thus, at the Liberty Tree before a very large audience and later in a printed pamphlet, Silas Downer courageously and publicly repudiated the Declaratory Act and stated without equivocation that Parliament's authority did not extend to America. Not for six more years did any other American dare to proclaim this revolutionary doctrine in public. In 1775, however, it became the official position taken by all of the colonies at the Second Continental Congress in Philadelphia.

We Americans ought to note well, as we approach the bicentennial of our independence from Great Britain, that it was from the Liberty Tree on July 25, 1768 that Silas Downer told a large assemblage of Rhode Islanders what they were, by this time, ready to hear. This pronouncement by a citizen of Providence was in all respects the outstanding contribution of Rhode Island to the revolutionary cause before 1775, and though it has hardly been known to anyone before today, it must now be recognized for what it was: a courageous and noble performance beside which the vandalism consciously perpetrated by the mob that burned HMS *Gaspee* in 1772 was ignoble. Though the hour be late indeed, henceforth patriotic citizens will be able to assert with pardonable pride that in the smallest colony took place one of the most admirable and most constructive acts of the American Revolution. □