

RHODE ISLAND HISTORY

VOL. 19, NO. 4
OCTOBER, 1960



PUBLISHED BY THE RHODE ISLAND HISTORICAL SOCIETY
52 POWER STREET, PROVIDENCE 6, RHODE ISLAND

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(Second-class postage paid at Providence, Rhode Island)

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COVER — FOX POINT OBSERVATORY

Oil painting in The Society's collection

The Observatory was located a little west of present day Thompson Street. An article in the October, 1895, issue of the Society's PUBLICATIONS gives the following description of the painting:

"Fox-Point Observatory was, sixty years ago, well known and was one of the most conspicuous edifices in Providence. It attracted the attention of strangers as they came up the river, and it was a resort of multitudes of people who sought fine views, fresh air, amusement and refreshment. It was situated upon a conically-shaped hill, that was between the Tockwotton House and Benefit Street, and was called sometimes Fox-Point Hill, and sometimes Foxes Hill. The writer of this sketch has been there when the building was thronged with guests; some of them in the upper story enjoying the breezes, and the delightful views far and near; some below were at the billiard or card table; some in the nine-pin alley; some in the saloon; and some in the refectory. The hill itself has utterly disappeared and the neighboring houses have all been either removed or torn down, and all that now remains of this once noted scene of fashion, amusement, gayety and dissipation is this picture of the observatory and of several other buildings, a picture that was taken near the close of the first third of this century. The picture is well drawn, but needs to be repaired. It was given to the society, October 6, 1885, by Mr. William H. Charnley of this city."

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SOME INTERESTING TRANSACTIONS IN RHODE ISLAND

by JOANNE L. NEEL

Department of History, Agnes Irwin School, Wynnewood, Pennsylvania

IN AUGUST, 1795, a series of incidents took place off Narragansett Bay, which, in the idiom of the day, were referred to as "some interesting transactions in Rhode Island," the word *interesting* being used, not in its modern connotation, but in the sense of important, serious, consequential. These occurrences were fathered by Captain Rodham Home, commanding officer of His Britannic Majesty's ship of war *Africa*, and gave rise to the grave allegations that Captain Home had violated the neutrality of the United States, threatened its sovereignty, and insulted a state governor. In short, they created a diplomatic situation at a very awkward moment.

For the first time since the American Revolution the United States and Great Britain were on the point of establishing harmonious relations through the ratification of Jay's Treaty. The Senate had approved it with the exception of one article, but obstacles had arisen, and without signing it the President had left the capitol and gone to his home at Mt. Vernon. The British legation in Philadelphia, headed by the minister plenipotentiary, George Hammond, and the consul general, Phineas Bond, wanted the *rapprochement* effected. The French, needless to say, did not; and they were supported by a large part of the American public who were violently anti-British and anti-Jay and also, it appeared, by Secretary of State Randolph, the one member of Washington's cabinet who opposed ratification of the Treaty. All this deeply concerned Mr. Hammond and Mr. Bond.

At the end of July, however, the English mail arrived at the British legation, containing the notorious letter number 10 by M. Fauchet, which implied that Mr. Randolph might be in the pay of the French. On July 26 Mr. Hammond handed the letter to Secretary of the Treasury Wolcott who, it could be assumed, would show it to the President, whereupon Randolph's opposition to the Treaty would become meaningless. The ratification and *rapprochement* could then proceed in an orderly manner, and Mr. Hammond, having been granted a leave of absence, could personally take the signed Treaty home to England. At the end of the month it seemed to Mr. Hammond and Mr. Bond the worst was over and all would soon be well.

Then came the news from Rhode Island—a new diplomatic problem. And just when Mr. Hammond was leaving the country and the former consul general, Phineas Bond, was assuming the duties of chargé d'affaires!

Oddly enough, Phineas Bond was unwittingly the first cause of the "interesting transactions." On the second of June the French frigate *La Medusa* arrived in Newport bringing the new minister, M. Adet. Thomas William Moore, the British vice-consul there, informed Bond of her arrival, and he immediately passed the information on to Admiral Murray, as was his duty and custom with all naval news.¹ At that time the *Africa* was at anchor in Boston harbor. When her commanding officer, Captain Home, received Bond's information he "immediately got under sail, and proceeded to Block Island";² from where he sent an officer in a shore boat to Newport to confirm the information and learn whether *La Medusa* was still there. Upon his return the officer reported to Home the exciting news that *La Medusa* was upon the point of sailing and awaited only the arrival from New York of the former French minister, Fauchet, who was bringing with him all his dispatches and papers. What a feather in Home's cap if he could get hold of those papers! It is possible that through the naval grapevine he already knew of the coup brought off by Captain Drew, who on March 28 had seized

¹ Phineas Bond to Lord Grenville, Philadelphia, 17 June 1795, No. 57, Phineas Bond Correspondence, Public Records Office, Foreign Office, F.O. 115/4, also on microfilm at The Historical Society of Pennsylvania. Hereinafter all correspondence refers to this collection unless otherwise documented.

² Extract of a Letter from Captain Home to Admiral Murray in Bond to Grenville, Philadelphia, 24 September 1795, No. 7, Incl. I.

the *Jean Bart* and procured some of Fauchet's papers, amongst them letter number 10, which implicated Secretary of State Randolph. What might the other Fauchet dispatches reveal about Edmund Randolph and relations between American heads of state and the French government? As Home himself put it, "these papers would in all probability, have thrown considerable Light on Transactions of the Two Republics—during the whole Period of Monsr. Fauchet's Embassy."³ To obtain all the correspondence Fauchet considered sufficiently important to take home in person would be more of a feat than that achieved by Drew! From that moment Captain Home was determined to get hold of them by hook or by crook.

But the trusted officer brought other news as well: that the captain of *La Medusa* had been active while in Newport and had formed a strong French party there amongst the American citizens, that Governor Fenner of Rhode Island was sympathetic, that the officer's mission had been dangerous because the French captain and a goodly part of the population considered British naval officers as spies and were prepared to treat them accordingly, and that Vice-Consul Moore was afraid for his life. The Rhode Islanders had insulted him, chanted the *Carmagnole* in front of his house, called him a "licensed spy,"⁴ and dared him to row out to the *Africa*. As a matter of fact, the poor vice-consul would not visit Captain Home, which he should according to protocol, because he could not find any one to take him out. There was more to the report. *La Medusa* was holding captive a British lieutenant, seized while walking in broad daylight on the streets of Newport. There were deserters from British vessels in Newport, and the civil authorities would do nothing to apprehend them.

Captain Home fumed, but he did not quite know what he could do about the *frenzy*, as he called it. After receiving that report he had no connection with the mainland. He did not even try to send any shore boats in for supplies, and Vice-Consul Moore did not come to him. Meanwhile the *Africa* shuttled back and forth before the channel entrances waiting for *La Medusa* to make a move.

Finally on July 31 Home could bear it no longer. He sat at his

³ Home to Bond, *Africa* at Anchor off Rhode Island, 22 August 1795, in No. 7 Incl. III.

⁴ Thomas William Moore to Bond, Newport, 18 August 1795, in Bond to Grenville, Philadelphia, 13 September 1795, No. 4, Incl. I.

desk and composed a vicious letter of complaint for Vice-Consul Moore to forward to Governor Fenner. He requested, first, that the lieutenant held on *La Medusa* be delivered up to him; second, that all British deserters be rounded up by civil authorities and sent to the *Africa*, and that he be given "not a feigned and pretended aid, but such as our nation has a right to expect"; third, that his people be permitted to buy "refreshments" without insult from the Rhode Islanders; and finally, that if the officer bearing this letter or any other officers or crew are insulted whether by an individual or a mob, "I will," he wrote, "immediately, on my Part, come in with his Majesty's Ship under my Command, and protect My own People," because if such outrages occur "I will then look upon Myself . . . as not bound to observe the Neutrality of these Ports."⁵

As it turned out Home did not have to send the letter by an officer. The next morning Moore rowed out to the *Africa*. He had dared the threats of the mob that if he went near the British ship, they would seize him and hand him over to *La Medusa*, which would carry him to France as a spy.⁶ Moore was driven by impelling motives. He had to reach Captain Home, because he had just learned that Fauchet had left New York on the packet *Peggy* and was due in Newport at any moment.

Home was in his glory. Here was his golden opportunity. That the *Peggy* was an inland American boat, a ferry, which shuttled passengers between New York and Newport and therefore not liable to stoppage; that, furthermore, any detention of her would more than likely take place in territorial waters, were not matters to give Home pause. For him war was war, and anything and everything was fair game. Little technicalities and diplomatic niceties did not clutter his thinking. From the moment Thomas William Moore imparted his interesting information Captain Home knew what he was going to do. He was going to stop the *Peggy* and get those papers.

A few minutes to three in the afternoon of August 1, 1795, the *Africa* sighted her. She was off the Narragansett Bay Lighthouse. At three o'clock the *Africa* fired a shot over her prow, the universal signal to heave to. The search was on.⁷ It was thorough but in vain.

⁵ Moore to Governor Fenner, Newport, 2 August 1795, in No. 4, Incl. C.

⁶ Home to Murray, in No. 7, Incl. I.

⁷ For concise descriptions of the stoppage and detention of the *Peggy* see Alexander DeConde, *Entangling Alliance, Politics & Diplomacy under George Washington* (Durham, 1958), pp. 417-419; Bradford Perkins, *The First Rap-*

Contrary winds had held up the *Peggy* at Stonington, Connecticut, for two days, and during that short interval, the French vice-consul in Rhode Island had managed to send word to M. Fauchet about the presence of the *Africa*. Fauchet had decided to take no chances and that morning had debarked with his dispatches and set off for Newport on horseback.⁸

The master of the *Peggy* claimed they had been detained for two hours.⁹ Captain Home claimed it was a matter of forty minutes to one hour at the most.¹⁰ It was a question of reckoning. Bliss of the *Peggy* was calculating from the time he was stopped; Home, from the time the *Peggy* actually had been brought under the *Africa's* stern.¹¹ Though there were arguments over this question, it was not critical. The fact remained that an American vessel had been stopped no matter for how long. The crux of the problem was where? Captain Bliss claimed he was in territorial waters two miles off shore when the shot was fired,¹² and the Federal government accepted this as fact, as have authorities writing on the incident since that time, but as negotiations proceeded, the matter became less clear.

By five o'clock, Captain Home had "apologized for detaining them so long,"¹³ and the *Peggy* was released and made her way to Newport where she arrived that evening. On the *Africa* Captain Home consoled himself with, "I have missed the Mail, but will take the Ship,"¹⁴ meaning of course *La Medusa* which he now had to intercept in order to gain the dispatches. Undoubtedly he and Moore commiserated with each other over their bad luck, and Moore steeled himself for the trip back to Newport, where, on the wharf, he was to find an angry crowd waiting to seize him. It was then that the two men acted in a surprising fashion.

prochement, England and the United States, 1795-1805 (Philadelphia, 1955), p. 37.

⁸ Adet to Committee of Public Safety, Philadelphia, 1c 8 Fructidor, No. 15, "Correspondence of the French Ministers to the United States 1791-1797," Frederick J. Turner, ed., *Annual Report of the American Historical Association, 1903*, II (Washington, 1904), p. 772.

⁹ Protest of Thomas W. Bliss before Public Notary, Christopher Ellis, Newport, 2 August 1795, in No. 4, Incl. A.

¹⁰ Home to Murray, in No. 7, Incl. II.

¹¹ Fenner to Timothy Pickering, Providence, 5 September 1795, in No. 4, Incl. R.

¹² Protest of Master Bliss.

¹³ Home to Fenner, *Africa* at Anchor off Rhode Island, 5 August 1795, in No. 4, Incl. I.

¹⁴ Moore to Bond, Newport, 18 August 1795, in No. 4, Incl. I.

Having just committed an outrage which they knew perfectly well would not go unchallenged and would eventually be reported to the Federal government, the logical action would have been to forget about the *threatening letter* Home had written the day before. But not a bit of it. Probably deciding that the assumption of the offensive is always the best policy, Home handed Moore the letter, and he took it with him when he left the ship. The next day, without changing one syllable, Moore forwarded it to Governor Fenner.

These were the two "interesting transactions" which Mr. Bond, as *chargé d'affaires*, was called upon to handle and which caused him such embarrassment and concern. In themselves they were not simple matters to justify, and it must be remembered they took place before the ratification of Jay's Treaty, when Bond and Hammond were doing all in their power to stem anti-British sentiment. But what made the task infinitely more difficult for Phineas Bond was the problem of communication.

Under normal conditions it required seven days for the mail to cover the two hundred and eighty-odd miles between Rhode Island and Philadelphia.¹⁵ Unforeseen exigencies could and did disrupt this schedule and produced delays of such length that, at one point in the negotiations, Phineas Bond suspected that some evil-minded person or persons had deliberately intercepted the mail for the purpose of procuring his letters.¹⁶

The news of the Rhode Island transactions broke in Philadelphia on August 11, during a typical heat spell when the thermometer hovered in the upper nineties.¹⁷ The State Department was informed by Governor Fenner¹⁸ and by M. Adet, who protested in no uncertain terms against this insult to United States neutrality brought about in such an "indecent" manner.¹⁹ Hereupon, Secretary of State Randolph on the same day, August 11, wrote to Hammond, inclosing the notarized protest of the *Peggy's* master, emphasizing the violation to territorial waters, and the fact that the British *vice-consul* was "active in this attempt upon the late Minister," as he was on

¹⁵ Rufus Wilmot Griswold, *The Republican Court or American Society in the Days of Washington* (New York, 1856), p. 117.

¹⁶ Bond to Home, Philadelphia, 7 September 1795, in No. 4, Incl. T.

¹⁷ *The Philadelphia Gazette and Universal Daily Advertiser*, 11 August 1795, p. 3.

¹⁸ Fenner to Edmund Randolph, Providence, 5 August 1795, in No. 4, Incl. F.

¹⁹ Randolph to George Hammond, State Department, 11 August 1795, in No. 4, Incl. A; Adet to Committee of Public Safety, *AHA*, 1903, p. 772.

board the *Africa* at the time of the search. Politely but forcefully Randolph requested any information Hammond might have about the "whole of this very interesting affair," that it might be presented to the President when he arrived in the capitol.²⁰

As of the eleventh neither Hammond nor Bond knew very much about the affair. At the same time they did know something, which is significant, inasmuch as they claimed they knew nothing. They had received a letter from Vice-Consul Moore which contained a copy of Home's *threatening letter* to Governor Fenner and possibly some information about the *Peggy*. The precise contents we may never know, since Bond carefully deleted that epistle from his voluminous collection of correspondence regarding the transactions.²¹ At that precise moment, however, ignorance seemed the prudent policy, chiefly because Hammond was on the point of leaving the country. Any negotiations he would commence he could not hope to complete in view of the mails and the timing. But so long as he was physically present in Philadelphia he might not, according to the technicalities of British diplomatic procedure, consign the matter to Consul General Bond. The negotiations could only be handed over to Bond when Hammond had left and Bond was officially proclaimed *chargé d'affaires*. Moreover, Hammond was impatiently waiting for Wolcott to submit Fauchet's letter number 10 to the President, who had arrived in the city at one o'clock that afternoon. While momentarily anticipating the exposure of Randolph, protests from him could not have seriously bothered the British minister. On the other hand, it was certainly an inopportune moment for the occurrence of incidents so unfavorable to Great Britain. Would not it be wise to keep the lid on this simmering pot? And could not that best be achieved by pleading ignorance?

So on August 11 Hammond wrote to Randolph that he had no knowledge whatsoever concerning the transactions and would communicate with him, if he heard anything before he left; if not, the affair would be consigned to Mr. Bond.²²

That evening, Wolcott gave Fauchet's letter to the President.

²⁰ *Ibid.*

²¹ One can only guess at the contents of the August 2nd letter as gleaned from other correspondence by Moore, as e.g., "In my Letter of the 2nd inst. I informed of having forwarded Capt. Home's Letter to me by his Desire to the Governor . . ." Moore to Bond, Newport, 10 August 1795, in No. 4, Incl. F.

²² Hammond to Randolph, Philadelphia, 11 August 1795, in No. 4, Incl. B.

Three days later Washington signed Jay's Treaty, presented it to Hammond, who thereupon took official leave and on the next day, August 15, left Philadelphia for New York City, a boat to Halifax and home. Phineas Bond was now chargé d'affaires.

Randolph, oblivious of the fate awaiting him, pursued his duties and officially informed the new head of the British legation of the two transactions in Rhode Island. He wrote of "the strong sensibility of the President of the United States at the Insult and Injury" and stated that unless counter-representations were forthcoming from Captain Home and Mr. Moore in "a reasonable time," the President would press for reparations.²³ It was a strong note, and Bond had nothing with which to answer. Since it was Saturday, he decided to wait before replying, in hopes that Monday's post would bring, in his own words, "Documents I hourly expect."²⁴

August the seventeenth arrived, and Bond knew no more than on August eleventh. He was annoyed. That morning he wrote to Vice-Consul Moore, "I feel no small concern that the first Letter I address to You, after the Departure of Mr. Hammond, should be upon a Subject of a very interesting Nature, in which the good Understanding which ought to be encouraged between the two Countries, is impeded; and your official Conduct is arraigned."²⁵ While writing these words, a brief note arrived from Moore, enclosing an extract of Governor Fenner's reply to Home's *threatening letter* but containing no explanation for Home's nor for Moore's conduct.²⁶

As of August 17, Bond possessed no material of genuine substance with which to defend the two actions. No excuses had been offered, and from what he did know the whole business appeared improper and indefensible. He was convinced Captain Home had stopped and searched the *Peggy*, and this he considered improper, since she was an inland packet. He believed the American vessel was "unquestionably, within the Shores of the United States,"²⁷ which, in his view rendered "the Proceeding Derogatory to the Sovereignty of the United States."²⁸ He did not think for a moment that Home's commanding officer, Admiral Murray, would approve the transaction,

and he did not like the fact that Moore was aboard the *Africa* during the search. Above all he was furious at both of them for causing complaints against Great Britain, "at a Time, when a Prospect of Conciliation and good Humor had just begun to dawn." In other words, Phineas Bond considered Home and Moore guilty, but until all the evidence was in his duty was clear—he must try not only to defend them but also to mitigate the crimes. Facing this dichotomy between his personal opinion and his duty, the answer he composed to Randolph's protest was a little, diplomatic masterpiece.

Utilizing Home's *threatening letter*, Bond took the offensive and listed all of Home's grievances in such a way that he implied that the State of Rhode Island had violated the American Neutrality Proclamation as well as Article XXIII of Jay's Treaty by showing partiality to His Majesty's enemies, in permitting the seizure of Lt. Apthorpe, in concealing British deserters, and in not assenting to the *Africa's* request for provisions. In this way, Bond tried to turn the tables and place the United States in the wrong. He proceeded to follow up with a psychological interpretation, arguing that the summation of these grievances and injuries explained Captain Home's action. He had been unduly provoked. As far as Moore was concerned, Bond intimated there was nothing untoward about his forwarding of Home's letter to the governor, "who was addressed by the Vice-Consul in such form of Decency and Respect, as were consistent with his usual Conduct and Deportment," but on the other hand the governor's language in his answer to Moore "might, as well, have been a little tempered." Bond concluded with the words, "Being, However, at this Time, totally incompetent to the Purpose of entering into a complete Examination, I must beg Leave to postpone any other Remarks, until I shall be possessed of further Information."²⁹

Bond did not let the matter drop. On the same day, he sent official and private letters to both Captain Home and Mr. Moore. Officially, he demanded counter-representations and emphasized the need for alacrity and the importance of protocol, "... be pleased to bear one Thing in View," he lectured Moore, "that whenever Causes of Offense arise Representation must be made; thro' the Medium of the King's Representative here —."³⁰ In the private notes, he reprimanded

²⁹ *Ibid.*

³⁰ Bond to Moore, Philadelphia, 17 August 1795, in No. 4, Incl. G.

²³ Randolph to Bond, Department of State, 15 August 1795, in No. 4, Incl. D.

²⁴ Bond to Randolph, Philadelphia, 17 August 1795, in No. 4, Incl. E.

²⁵ Bond to Moore, Philadelphia, 17 August 1795, in No. 4, Incl. G.

²⁶ Moore to Bond, Newport, 10 August 1795, in No. 4, Incl. F.

²⁷ Bond to Moore, Philadelphia, 17 August 1795, in No. 4, Incl. G.

²⁸ Bond to Randolph, Philadelphia, 17 August 1795, in No. 4, Incl. E.

manded both of them on the grounds that "the bringing to and search of the Rhode Island Packet, could not be justified tho' M. Fauchet had been a Board," and he suggested to Home that, under the circumstances, he best offer an apology, through Bond, to the President of the United States.³¹ The last was like asking the leopard to kindly change his spots.

On the next day, the President presented Randolph with Fauchet's letter number 10 and asked for a representation on his part. On Friday the 21st, Randolph officially resigned, and the American State Department had a new chief, Timothy Pickering, a New England Presbyterian who had been secretary of war.³² Now, Phineas Bond must enter negotiations with a man who, himself, admitted his lack of *finesse* and diplomatic polish and who was devoted to the commercial interests of his part of the world. Immediately upon assuming his new duties, Pickering entered fresh protests, in which he let Phineas Bond know that the latter's extenuation of Home's and Moore's conduct "is not understood by this government, as you have been pleased to state things."³³ At the same time, he promised to wait for counter-representations. Pickering was still feeling his way. On Monday the 24th of August, he visited Bond to obtain a clearer picture of the business. This was three weeks after the transactions had occurred, and just then Bond had received the first comparatively full explanation in the form of a letter from Moore,³⁴ written in answer to one Bond had sent, when the news initially broke in Philadelphia.³⁵

³¹ Bond to Grenville, Philadelphia, 13 September 1795, No. 4.

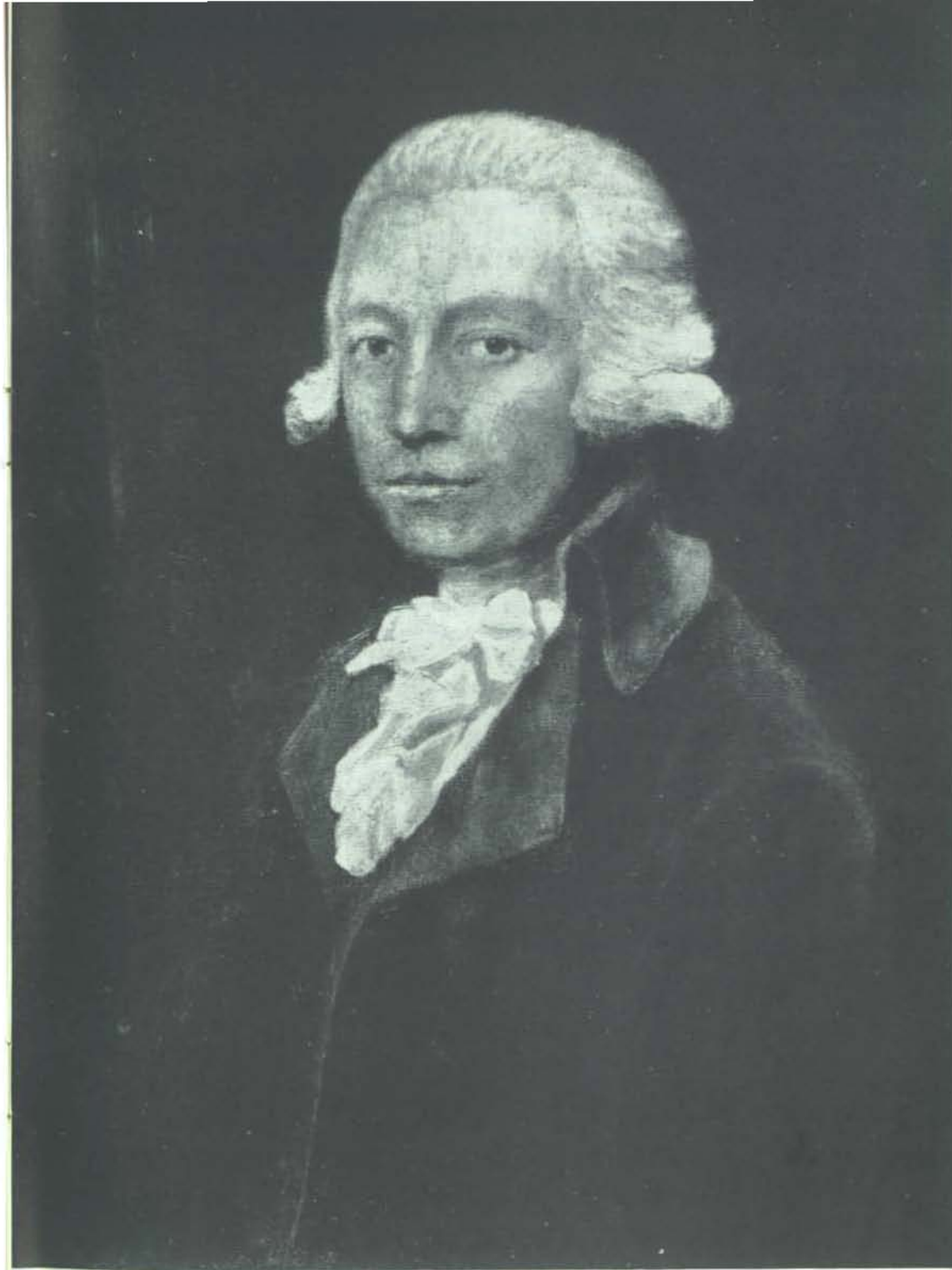
³² Upon the resignation of Randolph, Pickering retained his position as Secretary of War and became acting Secretary of State as of 19 August 1795 until 10 December 1795, at which time he became officially Secretary of State, Washington having been unable to fill the post.

³³ Pickering to Bond, Department of State, 21 August 1795, in No. 4, Incl. H.

³⁴ Moore to Bond, Newport, 18 August 1795, in No. 4, Incl. I.

³⁵ Bond to Moore, Philadelphia, 12 August 1795, in No. 4, Incl. I.

The original Gilbert Stuart portrait is owned by Captain John Cadwalader of Arnold, Maryland, a descendant of Phineas Bond. Phineas's eldest sister, Williamina, married General John Cadwalader, 1742-1786. Their son Thomas was Phineas's favorite nephew, with whom he shared his law practice. Williamina's daughter Frances married David Montague Erskine, son of the great trial lawyer and minister to the United States, who was involved in the notorious Erskine Agreement. We are indebted for the reproduction here to Captain Cadwalader and The Historical Society of Pennsylvania.



PHINEAS BOND, 1749-1815

Fortunately, this information threw a different light upon the search of the *Peggy*, and Bond made full use of it during his interview with the new Secretary of State.³⁶ He emphasized two important points; first, that Moore disclaimed any responsibility for stopping the *Peggy*. Bond showed Pickering that part of the letter which read, "That my being on Board his Majesty's Ship Africa at the Time Capt. Home brought too the *Peggy* Packet should prove me to be an active Person (in the Attempts) is truly ridiculous."³⁷ And secondly, that the stoppage occurred outside American territorial waters! This was the crux of the matter, and Bond must have been relieved to be able to read aloud to Pickering that, "The Africa lay then about four miles and a half from the Shore."³⁸ Bond pointed out, after all, nothing can be more confusing than distances at sea.

Nevertheless, Bond impressed upon Pickering that this letter from Moore could not, by any stretch of the imagination, be considered a counter-representation. He, Phineas Bond, had only been in a position to request official counter-representations when he became chargé d'affaires, and that was on August 17. Obviously, he could not have heard as yet. This letter by Moore was an accident, a private, an "inofficial" explanation,³⁹ but the official explanations should be in Philadelphia by the end of the month. Pickering accepted this interpretation and agreed to wait. After the conciliatory interview, Bond probably flattered himself that dealing with Pickering would be easier than with Randolph and the whole affair would be settled quite amiably. Unfortunately for Mr. Bond there were several developments of which he was unaware.

On Monday, August 24, the day of the Pickering-Bond interview, Captain Home allegedly a mile and half off Conanicut Island, flying French colors from the *Africa*, stopped the American ship, *Anne*, and impressed three of her seamen.⁴⁰ When Secretary of State Pickering learned of this together with the fact that Lieutenant Apthorpe, about whom Bond was raising such objection, had been released six days before Home wrote the *threatening letter*, he changed his tune.

³⁶ Bond to Pickering, Philadelphia, 7 September 1795, in No. 4, Incl. O.

³⁷ Moore to Bond, Newport, 18 August 1795, in No. 4, Incl. I.

³⁸ *Ibid.*

³⁹ Bond to Pickering, Philadelphia, 7 September 1795, in No. 4, Incl. K.

⁴⁰ Protest of John Tillinghast, Master of the *Anne*, before Notary Public, Henry Ward, Providence, 25 August 1795, in No. 4, Incl. N.

The news of the *Anne* reached Philadelphia on September 2, and immediately Pickering wrote a blistering letter to Bond, in which he destroyed his arguments one by one.⁴¹

First, Pickering attacked the question of whether Home was after Fauchet's mail or Fauchet's person, writing:

. . . You have said, Sir, as some apology for Captain Home, that it was not his intention to touch the person of Mr. Fauchet . . . but that he entertained the mistaken opinion that he had a right to seize the mail with which Mr. Fauchet was charged.

But, Sir, we must resort to Captain Home's actions for the interpretation of his intentions; and, seeing he was capable of a wanton violation of the territorial rights of the United States in seizing the papers, there was nothing to restrain him from taking the person of Mr. Fauchet.

Second, he pulverized Bond's argument regarding the maltreatment of British officers on the strength of the Apthorpe case, by pointing out that Apthorpe had been liberated six days before Home's demand for his release was made, and that "this fact was well known to Mr. Moore, the Vice-Consul, he having given his receipt for him on his liberation."

Third, Pickering demolished the argument that the state officials of Rhode Island had refused to cooperate in the rounding up of British deserters by inferring there was no earthly reason why they should inasmuch as no provisions regarding deserters had been made in the late Treaty, which stipulated that the only persons to be extradicted were criminals, "and of these, such only as are charged with *murder* and *forgery*." This was no news to Phineas Bond, who knew his Treaty well.⁴² The Secretary of State concluded that an officer so insensible to the respect due a state governor and so careless of the rights of a neutral nation "can form no just claim to our hospitality"; and as for Mr. Moore, his exequatur was on the point of being revoked on the grounds of "having cooperated with Captain Home in his indignities practised towards the government of the United States, and in his insults offered the chief magistrate of one of them."⁴³

⁴¹ Pickering to Bond, State Department, 2 September 1795, Charles W. Upham, *The Life of Timothy Pickering*, III (Boston, 1873), pp. 234-235.

⁴² Bond had written to Lord Grenville complaining that the "Treaty" made no provision for "the Apprehension and Delivery of Deserters." See Bond to Grenville, Philadelphia, 16 August 1795, No. 1.

⁴³ Upham, *Pickering*, III, pp. 234-235.

The letter was so strong Pickering did not send it. He detonated his ammunition verbally at the next interview with Bond. Before that, however, he wrote a succinct note to the effect that circumstances did "not admit of any longer delay," and if Mr. Bond possessed any additional information to send it forthwith.⁴⁴

This placed Bond in an embarrassing position. He had received no word from Rhode Island. He knew no more during this first week in September than he had known on August 24. What had happened to his letters of August 17 to Moore and Home? Had they been delivered? If so, when? And when had they been answered? What accident had deprived him of a "Statement of Facts?"⁴⁵ He was well-nigh desperate. How humiliating once again to have to admit to the Secretary of State that he had not received answers to letters he had written "so long ago as the 17th and 18th ult."⁴⁶ The situation was rendered more awkward, since Bond suspected that the State Department did not really believe his protestations and was under the impression he was deliberately withholding information.⁴⁷ Two years before the British legation had been caught in the act of suppressing information by the then Secretary of State, Jefferson.⁴⁸ It was a nasty business. Bond felt his personal integrity was being questioned, and it is possible he began to worry about the security of his own exequatur. When he gained an interview with Pickering on September 4, he tried to impress upon the Secretary of State that he had done everything humanly possible to obtain the required information and had withheld nothing from the government of the United States. He left under the impression that Pickering was satisfied on this score.⁴⁹

The fact remained, however, that Phineas Bond was helpless to stay the hand of the government. Had he possessed the counter-representations he could have put up a real fight, inasmuch as Captain Home was to insist, and even claim he could prove, that when he brought the *Peggy* to, the *Africa* was "at least seven miles from the nearest land, in the open sea; and a considerable way out of the

common channel leading into Newport Harbour." And Home was to pose the telling question, "has or has not a British Ship of War the Right to bring to any Vessel at the Distance of more than three Miles of the Shore, such Man of War being . . . in the open sea?"⁵⁰ Furthermore, Captain Home was to neatly wash his hands of the *threatening letter* by pointing out, quite logically, "that my Letter was not addressed to the Government of the United States, but to His Majesty's Vice-Consul at Newport," and that he was only writing "to the Consul of our own Nation."⁵¹ But Bond did not possess these letters from Home during that first hectic week in September, and with respect to the affair *Africa* he remained helpless.

In the case of Vice-Consul Moore he could do more. Until his interview with Pickering on September 4, 1795, the charge against the vice-consul had been single, to wit, that he had been on board the *Africa* when she stopped the *Peggy*. This had been true of the official protests of August 11 and August 15. Hence, when Bond had been able to show Pickering Moore's denial of any participation or culpability in the *Peggy* affair, the chargé d'affaires assumed Moore was in the clear. It was a blow to Phineas Bond when during his interview with Pickering Moore was charged on two counts. Immediately Bond pointed up the discrepancy, stating, "In the case of Mr. Moore, the Original Ground of Complaint was, as I have said, *single*;—confined to his Participation in the Detention of the Packet; which, being call'd upon to answer, He has, in Terms, denied."⁵² Bond's intervention was sufficiently successful that Pickering dropped the double charge, but in so doing switched from the detention of the *Peggy* to the forwarding of Home's letter to Governor Fenner. Having no real substance with which to fight, Phineas Bond could not win. He could only struggle for delay, which is what he did during the personal interview on September 4, and Pickering led him to believe the United States Government would wait for Monday's post; that is, until September 7 before promulgating the measures.⁵³ As it turned out, Monday's post brought no word, so it did

⁵⁰ Home to Bond, *Africa* at Anchor off Rhode Island, 22 August 1795, in No. 7, Incl. III.

⁵¹ Home to Bond, *Africa* at Anchor off Rhode Island, 27 August 1795, in No. 7, Incl. IV.

⁵² Bond to Pickering, Philadelphia, 8 September 1795, in No. 4, Incl. Q.

⁵³ Bond to Grenville, Philadelphia, 13 September 1795, No. 4.

⁴⁴ Pickering to Bond, State Department, 3 September 1795, in No. 4, Incl. L.

⁴⁵ Bond to Moore, Philadelphia, 7 September 1795, in No. 4, Incl. U.

⁴⁶ Bond to Moore, Philadelphia, 3 September 1795, in No. 4, Incl. M.

⁴⁷ Bond to Grenville, Philadelphia, 24 September 1795, No. 7.

⁴⁸ Charles M. Thomas, *American Neutrality in 1793, A Study in Cabinet Government* (New York, 1931), p. 108.

⁴⁹ Bond to Grenville, Philadelphia, 13 September 1795, No. 4.

not really matter that in the end Pickering decided not to wait, and on Saturday, September 5, took official action against Captain Home and Vice-Consul Moore.

Moore's exequatur was revoked on the grounds that he had forwarded a letter *addressed to you*, (those three words were carefully underlined) the contents of which "were highly indecent and unjustifiable," and by so doing had cooperated in a gross insult to the United States of America.⁵⁴ Governor Fenner was given the pleasure of informing Captain Home that after the elapse of forty-eight hours from the time the measures were delivered, "all intercourse between the citizens of the United States and the ship under his command will be forbidden," and he was to "immediately remove from a station within the jurisdiction of the United States," and was to liberate the three seamen taken from the *Anne*.⁵⁵ The real problem was how to enforce these measures, since the United States lacked a navy. It was resolved by empowering Governor Fenner with authority to call out the state militia should that seem necessary.

Naturally Bond was annoyed with Pickering for moving with such "indecent" haste, and he was worried about Home and what he might do when the orders were presented. Bond was afraid of "new Animosities,"⁵⁶ and he sent off letters to Home begging him to acquiesce no matter what he thought of the precipitated measures. In order to appease him Bond cleverly suggested, "Perhaps by quitting the Island and cruizing some little Distance from the Shore You may not only effectually attain the Object You contemplate but sufficiently conform to the Expectation of this Government—a Conformity to that Expectation—I beg leave to recommend."⁵⁷

Bond's fears were without foundation. At noon on the first of September, *La Medusa*, with M. Fauchet and his papers safely on board, took advantage of a pea soup fog and escaped. She was gone two hours before Captain Home knew what was up. He then put on full sail and pursued her for two days and two nights, but she was built for speed, and he never caught sight of her. Hence, Home's mission was over. There was no longer any reason for him to cruise

the Narragansett waters, and on the sixth of September, before Governor Fenner had received the measures from Philadelphia, Home had left for Halifax. Even had he remained, the chances are he would have accepted Bond's advice and conformed. By the end of August, Captain Home had finally awakened to the seriousness of his transactions and was having his own nightmares—he visualized a possible court-martial. Thereupon, Home presented both affairs in representations to his commanding officer, Admiral Murray, and wrote that, if the matters "appeared in the same Light that it did to Him, to signify his Approbation of It in Answer to his Letter, but if, on the other Hand, He should be so unfortunate, to find Him, of a contrary Opinion, that He would in that Case, be pleased to order a Court Martial."⁵⁸ Admiral Murray answered Captain Home with approbations on all counts! In January Home and the *Africa* were cruising in Virginia waters, and the three seamen from the *Anne* were not returned.⁵⁹

And so the affair was over, and still Phineas Bond did not have the counter-representations. At long last they arrived, on September 22, 1795—"Statements of Fact" from both Captain Home and Mr. Moore, written on August 22 immediately upon the receipt of Bond's official request for full explanations. Why the month's delay? What really had happened? Thomas William Moore had become distraught over anti-British sentiment in Rhode Island. He had not dared "risque" sending such valuable documents via ordinary mails and, therefore, enlisted the aid of a confidential friend, who agreed to carry the packet of correspondence to Philadelphia. Unfortunately the friend had not started the trip as soon as expected; in fact he did not leave Newport until September 2. Then he proceeded to New York City. There a yellow fever epidemic was raging, and all intercourse between New York City and Philadelphia was outlawed under penalty of heavy fines.⁶⁰ The friend was immobilized. The

⁵⁴Extracts of Letters from Home to Murray in Bond to Grenville, in No. 7, Incls. I, II.

⁵⁹Bond to Grenville, Philadelphia, 4 March 1796, No. 12. It has been assumed that Home sailed away never again to disturb American waters, but from the above correspondence, it is evident that is not quite the case. In February 1796, after the *Africa* had failed to enter the Chesapeake, she then sailed to St. Domingo.

⁶⁰Bond to Grenville, Philadelphia, 1 September 1795, No. 3.

⁵⁴Pickering to Moore, State Department, 5 September 1795, in No. 4, Incl. N.

⁵⁵Pickering to Fenner, State Department, 5 September 1795, Upham, *Pickering*, III, p. 238.

⁵⁶Bond to Grenville, Philadelphia, 13 September 1795, No. 4.

⁵⁷Bond to Home, Philadelphia, 7 September 1795, in No. 4, Incl. T.

counter-representations were quarantined.⁶¹ Such were the difficulties of communication in the late eighteenth century, and these difficulties had contributed in large measure to the clouding of this particular diplomatic incident.

With respect to the participants Captain Home, as we have seen, was whitewashed by the Admiralty. To what extent he was guilty of violating the territorial waters of the United States could not be determined then, and it cannot now, for as Phineas Bond so aptly put it, "nothing can be more fallacious than distances at sea." In the final analysis, it was and is a question of whether you prefer Captain Bliss's word or Captain Home's. The weakest part of Home's argument was the fact that every time he discussed this crucial point the distance from shore grew a bit longer. On August 5 he claimed he was four miles off shore;⁶² by the middle of August he was six and a half miles off;⁶³ and by August 22 he was "at least seven miles from the nearest Land."⁶⁴ On the other hand he certainly was guilty of violating the diplomatic immunity of a minister in planning the seizure of M. Fauchet's papers, person, or both. But it was war. What a coup it would have been had Home obtained those papers! It would seem his real guilt lay in his failure to carry it off. With respect to the impressment charges Home neatly turned the tables by forwarding to Bond an affidavit that stated: "We whose Names are hereunto Subscribed acknowledge, that We were taken out of the American Ship Ann, off Narragansett Bay in Rhode Island, but that We, being British Subjects entered Voluntarily into His Majesty's Service. . . ." ⁶⁵ There followed three x's, the marks of William Jones, John Keyton, and George White. One wonders, as Pickering must have, whether these three illiterates knew to what they were affixing their marks and whether they had very much choice in the matter; and to Pickering it surely brought home the uncomfortable truth that Jay's Treaty had omitted the thorny question of impressment. Diplomatically Captain Rodham Home was a bull in a china shop. During one month he had committed a list of outrages against a neutral country, which included the stopping and searching of an

⁶¹ Bond to Grenville, Philadelphia, 24 September 1795, No. 7.

⁶² Home to Fenner, in Bond to Grenville, No. 7, Incl. I.

⁶³ Home to Murray, in No. 7, Incl. II.

⁶⁴ Home to Bond, *Africa* off Rhode Island, 22 August 1795, in No. 7, Incl. III.

⁶⁵ Bond to Grenville, Philadelphia, 7 December 1795, No. 16, Incl. I.

American packet, the pressing of three seamen off an American vessel, and the writing of an insulting and threatening letter to the governor of an American state; but in the event of war there could be no doubt that Rodham Home was a very good man to have on one's side.

Compared to Home's infractions Vice-Consul Moore's appear rather second-rate, and in all fairness to Moore they might never have occurred had British Consular Instructions been formulated and compiled. This, however, did not come about until 1846, and meanwhile, with respect to procedural technicalities, consuls operated on common sense. Moore's greatest offense was entering into an altercation with the executive of a state government, which started with the forwarding of Home's *threatening letter*. Officially Phineas Bond excused the action on the grounds that Moore could not do otherwise since a vice-consul was so vastly outranked by the commander of a King's ship of war.⁶⁶ Unofficially Bond held Moore guilty for not having gone through channels. In other words, Moore should never have sent the letter directly to Governor Fenner, but instead should have forwarded it to Phineas Bond. "It would have been fortunate . . .," Bond wrote to Moore, "if the regular Course had been pursued as it might have prevented Measures, which have placed Capt. Home as well as Yourself in a very critical Situation."⁶⁷ And it is possible that the Moore affair led to the inclusion of the statement in the Consular General Instructions of 1846 that, "if the matter of complaint be not within their jurisdiction, the Consul will apply to Her Majesty's Consul-General, or to Her Majesty's Minister, . . . in order that he may make a representation to the higher authorities."⁶⁸ The statement does cover the case of the *threatening letter*. On the second count against Moore, there can be little doubt that his presence on the *Africa* made him an accessory after the fact. Since the *Africa* had had no intercourse with the mainland after the initial contact from Block Island, Moore was the only source through whom Home could have learned about the *Peggy*. Thomas William Moore

⁶⁶ Bond to Pickering, Philadelphia, 8 September 1795, in No. 4, Incl. Q. At that time, a vice consul's rank was equivalent to an army captain.

⁶⁷ Bond to Moore, Philadelphia, 7 September 1795, in No. 4, Incl. U.

⁶⁸ Robert Flynn, *British Consuls Abroad: Their Origin, Rank Privileges, Duties, Jurisdiction and Emoluments: Including the Laws, Orders in Council, and Instructions by Which They are Governed*, 2nd ed. (London, 1849), Article VII, p. 42.

delivered the intelligence that caused the crime, and the fact remains he was present when it was perpetrated, which formed the original charge against him. With the advent of Pickering the charge became double and then was switched to the forwarding of the "threatening letter!" Actually either would have sufficed, since the revocation of Moore's exequatur came under Article XVI of Jay's Treaty. It was the first test of that Article pertaining to consuls, which read that in the event of improper conduct a consul might be punished according to the laws of the land, dismissed, or sent back, "the offending Government assigning to the other their reasons for the same." As Lord Grenville jokingly (but quite accurately) observed, under the Article the President of the United States could dismiss a consul because he took a dislike to his face, and the British Government could do nothing about it.⁶⁹ Thereby the Moore case made quite clear the tenuous position of British consuls in the United States and American consuls in Great Britain.

Finally the affair demonstrated the diplomatic acumen of Phineas Bond, who managed to keep the incidents from developing out of all proportions and rupturing the incipient *rapprochement* between the United States and Great Britain. This was no mean feat in view of the ugliness of the American press and the roused public opinion. The negotiations with Randolph and Pickering were never conducted in a refined and cloistered climate, but always against the background of the "public prints," crying for action and immediate reprisals. There were stories to the effect that Captain Home drew his instructions from "Government itself,"⁷⁰ and, from Bond's point of view what was even worse, some of the significant documents in the case were published in full,⁷¹ including the *threatening letter*! Surely, Bond felt, this "license" precluded conciliatory adjustment of the transactions.⁷² It is very much to his credit that he was ever aware of public opinion and neutralized it by impressing upon the Secretaries of State again and again that these were isolated incidents and

⁶⁹ John Quincy Adams to Pickering, London, 5 December 1795, *The Writings of John Quincy Adams*, Worthington Chauncy Ford, ed., I (New York, 1913) p. 444; Upham, *Pickering*, III, p. 240.

⁷⁰ *The Philadelphia Gazette*, 15 August 1795, p. 3.

⁷¹ The official protest of Master Bliss and Home's 'threatening letter' were carried in full on 15 August 1795 by the *Philadelphia Gazette*, and Governor Fenner's letter to Moore was published by the same paper on 7 September 1795.

⁷² Bond to Pickering, Philadelphia, 8 September 1795, in No. 4, Incl. Q.

were without influence upon over-all Anglo-American relations. The word he constantly used was *lamentable*, that it was *lamentable* this should occur just when amiable relations were dawning, and so forth. Thus he achieved his purpose. He was firm and, though often poorly informed, upheld his compatriots by employing every conceivable gambit: he forgot; he pressed for procedural technicalities; he assumed the offensive; he retreated; he procrastinated—and his victory lies in the fact that the Rhode Island transactions have been forgotten and are known today only to a few historians, specializing in the field.

The drama of the *Africa* resulted in the further fixing of the three-mile limit, which was less than two years old, and which had been proclaimed provisionally in the hope that at some later date it might be extended.⁷³ The fact was brought home to the American government that no provision had been made in Jay's Treaty with respect to impressment, and Phineas Bond, the original formulator of impressment principles, was enabled to spell out these *rights*, as he called them, for the benefit of the United States Government.⁷⁴ On the other hand the affair brought home to the British the failure of Jay's Treaty to provide for deserters. Come mid-August, 1795, Bond was lamenting over this omission in a dispatch to Lord Grenville.⁷⁵ Furthermore it clarified Article XVI as we have seen and also Article XXIII in the Treaty; the latter called for hospitable reception by the United States of British ships of war, their officers, and crew. Bond had pointed to this Article in his defense of Home's conduct and during the negotiations worked out with Pickering a system whereby all State Governors were instructed by the State Department to abide by the contents of Article XXIII and in the event of infractions to refer the cases immediately to the Federal branch of the government.⁷⁶ Moreover, because of Thomas William Moore all American diplomats were instructed to employ only mild and gentle

⁷³ Thomas, *American Neutrality*, pp. 110-112.

⁷⁴ Bond is generally recognized as the first to formulate the importance of the 'right' to impress and the first to warn the British Government against any relaxation in the practise. This he did on the memorable first of February 1793 in a dispatch to Lord Grenville. See W. Alison Phillips, *Neutrality, Its History Economics and Law*, II (New York, 1936), p. 21; Bond to Pickering, Philadelphia, 8 September 1795, in No. 4, Incl. Q.

⁷⁵ Bond to Grenville, Philadelphia, 16 August 1795, No. 1.

⁷⁶ Bond to Pickering, Philadelphia, 24 August 1795, in No. 4, Incl. K.

language when dealing with foreign governments, regardless of the business on hand or the dispatches sent to them.⁷⁷ And finally the Rhode Island transactions were listed by the French government as the second major reason for the severance of their alliance with the United States of America.⁷⁸

⁷⁷Upham, *Pickering*, III, p. 240.

⁷⁸DeConde, *Entangling Alliance*, p. 418.

FRANCIS WAYLAND AND THE RESIDENTIAL COLLEGE

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[concluded from July, 1960, v. 19, no. 3, page 78]

IV

WHEN HIS PROPOSAL to move Brown University out of Providence was turned down in 1827, President Wayland did not entirely abandon his search for some means to lighten his disciplinary burdens. He soon concluded that no physical means could adequately protect his pupils from the moral dangers of the world outside. It required arduous personal effort to preserve order and strengthen character. The only way to relieve college officers of these responsibilities was to shift them to someone else.

Many students were fully capable of taking care of themselves, for Brown, like most American colleges before the Civil War, enrolled a substantial number of men in their twenties. Most were ministerial candidates, often dependent upon subsidies from denominational education societies; others were preparing for the law or for teaching. Some of Wayland's favorite pupils were in this group, and he was always anxious to increase the proportion of older students in the college. Intent on preparing for their vocations, they had neither time nor inclination for juvenile escapades. Society considered them legally accountable for their own conduct, and it was difficult to justify binding them by the same statutes imposed on adolescents. Unfortunately no exceptions could be made for them; the laws must

be administered alike for all.¹

If a college could serve older students predominantly, Wayland was convinced that dormitories would be a useless extravagance. In his scheme for a national university to be endowed by the Smithsonian fund, submitted to Secretary of State John Forsyth in 1838, he declared: "The young men will provide for themselves board and lodgings wherever they please, and the professors will be responsible for nothing more than their education. It is to be supposed that they are old enough to govern themselves."² Younger students posed a more difficult problem however. Undoubtedly they needed the sort of oversight they had previously received from their parents. Why not, then, require them to reside in private homes as members of the families of local citizens? There they could be more closely supervised than in dormitory rooms, while college officers would be relieved of much time consuming labor.

Wayland began to move in this direction early in his administration, while Brown's enrollment was rising. In 1833 the Corporation allowed him to excuse students who resided in the city from paying room rent. The following year, however, they apparently ignored his suggestion that Providence students should be required to live at home.³ At no time during the prosperous thirties did he suggest that additional dormitories be constructed, though during these years he supported an appeal for library endowment and welcomed the erection of Manning and Rhode Island Halls, which provided chapel, library, laboratory, and classroom facilities. His views of ornate academic quadrangles were fully developed when he visited the English universities in 1841:

I have walked over the grounds of Trinity and St. Johns College, Cambridge; I have admired the unsurpassed beauty of Kings College Chapel; I have stood beneath the elms of Magdalen College,

¹Francis Wayland, *Thoughts on the Present Collegiate System in the United States* (Boston, 1842), 114, 117-118.

²Francis Wayland to John Forsyth, October 2, 1838, in Francis Wayland and H. L. Wayland, *A Memoir of the Life and Labors of Francis Wayland, D.D., LL.D., Late President of Brown University* (New York, 1867), I, 331 (hereafter cited as *Memoir*).

³Francis Wayland, Report to the Corporation, September 5, 1833; Minutes, September 5, 1833, Brown University Corporation Records, II (1810-1843), University Hall, Brown University; Francis Wayland, Report to the Corporation, September 3, 1834. (Unless otherwise indicated all unpublished materials cited are in Brown University Library.)

Oxford, and surveyed the magnificence which crowds upon the eye as it turns in every direction upon that "city of palaces;" and as I entered quadrangle after quadrangle of the inimitable edifices that meet the gaze of the traveller at every turn, a sinking despair has come over my spirit when I reflected that no such glorious yet solemn loveliness would ever greet the eye of man in the land of my birth. It is done, and let it ever remain. Never would I willingly see an angle defaced, or suffer a buttress or a tower, or even an uncouth ornament to moulder away. It is all sacred to the past, and it should be kept forever inviolate. But when I reflect that this expenditure, if otherwise appropriated, would have given to Great Britain twenty Universities instead of two, each one offering to the student as ample means of mental cultivation as are enjoyed at present; and would have also provided such means of education for the poor as would have rendered every native born Englishman a well educated man, I am constrained to say that never was a taste for architectural beauty gratified at so costly a price.⁴

Wayland had drawn much of his philosophy from Scotland, and in the northern universities he found a residential system he wholeheartedly admired.

The Scotch Institutions furnish nothing but Education, and leave the pupil to provide every thing else for himself and are proverbially cheap. Young men, it is said, frequently come to Edinburgh and Glasgow, from the interior counties, and from Ireland, with nothing more than sufficient to pay for their tickets, the rent and fuel of a single room, and the potatoes and salt on which they are to subsist. Such men frequently attain the highest distinction and rise to deserved eminence. No one either knows or asks how or where they live. They appear in their places at the recitation room, and bear away the palm at examinations; and thus are subject to no mortification from the narrowness of their circumstances. The system in a word, allows every man to use his means, whatever they may be, in such manner as is most pleasing to himself; and this will in the end always be found the cheapest mode of living.⁵

In 1841, shortly after returning from Great Britain, President Wayland suggested the abolition of dormitories at Brown. Might it not be advisable, he asked the Corporation, "to allow students to room & board where they wished; and to arrange the recitations so that a large portion of the day may be secured to officers & the more advanced students for uninterrupted study?"⁶ A year later he pub-

⁴*Thoughts on the Present Collegiate System*, 129.

⁵*Ibid.*, 126.

⁶Francis Wayland, Report of the President and Professor of Moral and Intellectual Philosophy to the committee of the Board of Fellows considering the course of study and discipline in Brown University, n.d. [September 1—December 20, 1841].

lished his case against the residential system. American colleges, he insisted, could not properly supervise their students. Dormitories were generally unconnected buildings, open at all hours of the day and night. When the professors returned home in the afternoon only a few young tutors or bachelor faculty members remained on campus, and they could do little more than preserve order and prevent students from absenting themselves without authorization. For adolescents away from home for the first time the conditions of dormitory life were unhealthy and "unnatural." Habits of idleness and frivolity were contagious in a close-knit undergraduate community.⁷

Nor did he agree that the residential system made possible any significant saving to indigent students. Certainly it was not economical for colleges. Of the million and a half dollars which he estimated had been invested in New England institutions, probably four-fifths had been spent on bricks and mortar.⁸ Such sums might better have been devoted to the provision of facilities for instruction. They could never be recovered; if dormitories were abandoned as student residences, they would be of no use except to house the faculty. The unsatisfactory system need not, however, be expanded:

We can refrain from spending any more of our money in this manner. And we can, as opportunity occurs, try the experiment of allowing residence out of College. If it be found on a fair trial to succeed, it will at least demonstrate the important fact that a College or University can be established, with all the means of instruction which we now possess, at half or one third of the expense which it now involves. This will certainly be an important addition to our knowledge on the subject.⁹

These views, to which Wayland adhered for the rest of his administration, explain the negative tone of the remarks on dormitories in his *Report to the Corporation* in 1850, which President Wriston took as the inspiration for his Quadrangle project a century later.

When planning his comprehensive reforms in 1850 Wayland once again urged that the residential system be eliminated. This, he was advised, would be "considered *too great an innovation*," at least until

⁷*Thoughts on the Present Collegiate System*, 116-124.

⁸*Ibid.*, 127.

⁹*Ibid.*, 158-159; see also Francis Wayland to John N. Wilder, December 27, 1847 (excerpt in *Memoir*, II, 70): "What I want you to think of is, first of all, not to erect dormitory buildings for students [at the projected University of Rochester, N. Y.]. It leads to half, or more than half, of the trouble in colleges, and besides absorbs money that might be much better employed."

the new curriculum was fully established.¹⁰ The president found it difficult to accept such counsel, for he was convinced his pupils faced growing perils.

The allurements to vice and dissipation have increased to a painful degree in our city. Two theatres are open every night, concerts, lectures, billiard rooms, are exerting all their solicitations, and a greater degree of supervision is necessary than at any previous period. . . . Young men may ruin themselves, and he [the president] has no means of arresting it until the work is accomplished. . . . It is his opinion that the discipline of the college is declining and that unless some other means are employed than now exist it will continue to decline. . . . Whether any means can be devised which in the present relations of the college to the city would render the college buildings a tolerably safe residence for thoughtless young men disposed to licentiousness is at best doubtful.¹¹

His associates were sympathetic. They agreed that the existing situation was "fearful"; it was a "moral phenomenon" that serious disorder had not yet broken out. Perhaps, they speculated, undergraduates were restrained by the prevailing illusion that their president was clothed with a sort of ubiquity.¹² The prospects for the future, however, were not reassuring. In September, 1850, Wayland reported that during the previous year the number of absences had been higher than ever before, and insisted that "stricter supervision, and . . . increased attention to discipline on the part of the officers of instruction," were absolutely essential.¹³ A Corporation committee considered possible alternatives. The appointment of tutors, discontinued in 1846 as an economy move, would cost \$200 more than the University received from room rents. Student proctors would be less expensive, and also less effective. The best solution, they concluded, would be to encourage students to seek private lodgings. Nearly half of them, including many of the ablest scholars, already lived outside the dormitories. Their care did not burden the faculty, and they were better protected than the resident students. "Family regulations, proprieties & restraints are known to be amongst the strongest guards that can be thrown around the wayward tendencies of youth."¹⁴

¹⁰Alexander Duncan to Francis Wayland, February 27, 1850.

¹¹Francis Wayland, Report to the Corporation on discipline and supervision, March 27, 1850.

¹²[Nathan B. Crocker], Report of Corporation committee on the government of the University, n.d. [c. September 3, 1850].

¹³Francis Wayland, Report to the Corporation, September 5, 1850.

¹⁴[Nathan B. Crocker], Report of Corporation committee on the government of the University, n.d. [c. September 3, 1850].

In the summer of 1850 the University began to compile a register of local citizens willing to furnish board and lodging to students.¹⁵ As enrollment increased, however, the dormitories remained full, and the faculty's role was essentially unchanged. President Wayland accepted this situation without complaint, but he was more than ever determined that his colleagues should share responsibility for the oversight of undergraduates. His revised college laws of 1850 did not differ in principle from the code of 1827. They prohibited visits to the theater or other places of amusement in Providence on pain of dismissal and prescribed hours when students were expected to study in their rooms. Faculty duties were specified just as strictly. Each professor was assigned a dormitory section and held responsible for the good conduct of its occupants. He was required to visit each room at least once a day, to consult with students who encountered scholastic difficulties or whose conduct was unsatisfactory, and "by all honorable motives and judicious counsel, [to] labor to cultivate in them a love of excellence and an earnest desire to improve their advantages to the utmost." An elaborate new system of bookkeeping was established to record student conduct and achievement. Absences and misbehavior received demerits, and each officer was required to report regularly to the president on the students in his classes and his dormitory section. When a pupil accumulated thirty demerits in any one term his parents were informed; one hundred brought dismissal.¹⁶

V

A new era in Brown's history opened in the fall of 1850 as President Wayland's "new system" of elective studies and alternative degrees went into effect. Once again the president displayed some of the optimism and cheerfulness he had shown as a young man. "Old Doctor Wayland is all smiles, frequently stops the students in the streets & talks with them; [the] professors are very careful how they hurt the feelings of the students. . . . Even the Doctor's puppy is twice as playful and agreeable as it was under the old system," a student wrote in October.¹⁷ After three weeks of classes Wayland complimented the undergraduates on their deportment and announced that

¹⁵Notice signed by Lemuel H. Elliott, Register, *Providence Daily Journal*, August 10, 1850.

¹⁶*The Laws of Brown University* (Providence, 1850), section VI.

¹⁷Elijah Perry (class of 1852) to [Melancthon] Storrs (class of 1852, non-graduate), October 21, 1850.

he was burning the absence records for the first part of the term.¹⁸ Enrollment had increased more than one-third, and the University seemed to be entering a new period of prosperity.¹⁹

Unfortunately there were disquieting signs as well. The December accounting showed a marked rise in demerits, though half the students had unblemished records.²⁰ An epidemic of surreptitious visits to a museum of curios in Providence troubled Wayland, and he obtained authority to pay for intelligence on the matter.²¹ Soon he concluded that the negligence of several faculty members tempted undergraduates to disobey the rules. Certain officers were careless in visiting dormitory rooms and reporting absences. The Executive Board, a Corporation committee entrusted with oversight of the new reforms, had required a daily report on room visits from each instructor in December, 1850, but found it necessary to insist again in February, 1851, that it expected "rigid" compliance with the rule requiring nightly inspection of rooms.²²

Preoccupied in developing his "new system" and overburdened by the increased correspondence, record keeping, and report writing which he required of himself, as well as the revision of his moral science course, Francis Wayland was unaware of the explosive possibilities inherent in his attempt to maintain a paternalistic disciplinary system in an institution whose curriculum had been remodeled to permit a freer choice of studies than had hitherto been known in any American college except the University of Virginia. His distrust of the dangers of Providence was hardly consistent with his new educational program, designed in large part to serve Rhode Island industry and commerce. Two of the newer members of the faculty, George W. Greene and John A. Porter, had firsthand experience of European universities, and considered their police duties unnecessary. A dramatic crisis was in the making, which was precipitated in the fall of 1851 by an eccentric Danish historian.

Adolphus Ludwig Koeppen first appeared in Providence in the

¹⁸Albert G. Utley (class of 1854), Diary, [September 28, 1850].

¹⁹Francis Wayland, Report to the Executive Board, October 4, 1850.

²⁰Francis Wayland, Report to the Executive Board, December 13, 1850.

²¹Minutes, January 10, 1851, Record of the Proceedings of the Executive Board of Brown University, 1850-1865, University Hall, Brown University (hereafter cited as Proceedings of the Executive Board).

²²Minutes, December 13, 1850, and February 14, 1851, Proceedings of the Executive Board.

fall of 1850 and delivered a number of lectures on Greek antiquities to the officers and students of Brown University. His efforts were warmly appreciated by all members of the college community.²³ In the fall of 1851, however, Koeppen's application to fill the professorship of history was rejected by President Wayland, and subsequently he was refused permission to deliver any more lectures in Rhode Island Hall. Evidently his odd personality had irritated the president. Wayland's son thought Koeppen might perhaps be qualified to teach the history of "the whiskey rebellion."²⁴ Actually he was an experienced instructor. Born and educated in Copenhagen, he subsequently wandered off to Greece, whose Bavarian rulers appointed him professor of history, archeology, and modern languages at their Royal College in 1834. Nine years later, when the Greeks reacted against foreigners, he was forced to leave the country. He came to the United States in 1846 and traveled the lyceum circuit while seeking an academic post.²⁵

After his rebuff at Brown, Koeppen opened a five-month series of public lectures on the history of the middle ages in the United States District Court Room, Providence, on Monday, October 20, 1851.²⁶ He issued a cordial invitation to all students to attend his talks without charge.²⁷ Unfortunately the Executive Board viewed this gesture with suspicion and indicated unofficially to the faculty that undergraduates should not be excused to attend Koeppen's course.²⁸ The invitation thus served to widen the breach between President Wayland and those of his colleagues who did not share his determination to shelter pupils from the temptations of Providence. In November Professor George W. Greene admitted that he had encouraged Koeppen to extend his invitation to the students; this might have been "injurious," he admitted, but he did not feel that it had been wrong.²⁹ The Executive Board was more seriously concerned and once again re-

²³Faculty resolutions, December 17-18, 1850, Minutes of Brown University Faculty (1849-1870); *Providence Daily Journal*, December 24, 1850; Minutes, December 27, 1850, Proceedings of the Executive Board.

²⁴Heman Lincoln Wayland to Francis Wayland, Junior, September 26, 1851; Minutes, October 10, 1851, Proceedings of the Executive Board.

²⁵Joseph H. Dubbs, *History of Franklin and Marshall College* (Lancaster, Pa., 1903), 282-293.

²⁶*Providence Daily Journal*, October 20, 1851.

²⁷Adolphus L. Koeppen to the President of the Philhellenic Society of Brown University, October 18, 1851.

²⁸Minutes, October 18, 1851, Proceedings of the Executive Board.

²⁹George W. Greene to Francis Wayland, November 13, 1851.

minded the faculty that they were expected to be punctual in their visits to student rooms, especially on Monday evening when Koeppen was lecturing.³⁰

In November also the student literary societies petitioned the Executive Board to allow them to meet on Friday evening instead of Saturday afternoon, their regular time of assembly since 1827.³¹ Rivalry with the Greek-letter fraternities played an important part in this request. The older debating societies hoped to obtain a new lease on life if they could win the right to meet at a different hour. Had they succeeded the fraternities undoubtedly would have sought the same concession themselves. The president, however, rejected the petition, and the undergraduates who had offered it did not fulfill their pledge to withdraw from college if they were refused. But an ugly atmosphere persisted on College Hill. In January, 1852, two students nearly tangled in a duel and were suspended, and a rebellious group broke into the library, seized a bust of President Wayland, and placed it in a tree near Manning Hall.³² A few weeks later the hectic term ended. Six students had been expelled for misconduct, and others had been suspended or had left of their own choice.³³

Student morale recovered quickly, but the crisis cost the University three faculty members who could not easily be replaced. Shortly after the outrages in January, President Wayland informed the Executive Board that the recent student insubordination had been chiefly caused by "the want of union in the Faculty in carrying into effect the laws essential to the discipline of the Institution." The following day the Board requested Professors Greene, Norton, and Porter to resign.³⁴ Greene was a friend and admirer of Koeppen's. Porter and Norton had found room visiting distasteful, and made no secret of it to their charges. In addition Porter had displeased the president by procrastinating in the preparation of his applied chemistry course.³⁵

³⁰Minutes, November 7, 1851, Proceedings of the Executive Board.

³¹Albert G. Utley (class of 1854), Diary, November 17, 1851.

³²Heman Lincoln Wayland to Francis Wayland, Junior, January 14-[19], and January 19-[23], 1852; William S. Granger (class of 1854) in Robert P. Brown, et al., comps., *Memories of Brown: Traditions and Recollections Gathered from Many Sources* (Providence, 1909), 106; for a photograph of the bust, which is now in the possession of The Rhode Island Historical Society, see *Rhode Island History*, IV (January, 1945), 28.

³³Francis Wayland, Report to the Executive Board, March 12, 1852.

³⁴Minutes, January 23 and 24, 1852, Proceedings of the Executive Board.

³⁵William S. Granger (class of 1854), in *Memories of Brown*, 105; Minutes, January 9, 1852, Proceedings of the Executive Board.

With the departure of these men Francis Wayland's plans to provide a curriculum suited to the needs of Rhode Island industry and agriculture were threatened with collapse. The enterprising George Ide Chace assumed responsibility for inaugurating the applied chemistry course in addition to his regular duties. James Burrill Angell, valedictorian of the class of 1849, was offered his choice between the professorships of modern languages and civil engineering, and chose the former. Norton's engineering course was assumed by the Rev. Henry Day, a Baptist minister who had graduated from Brown in 1843.³⁶ Professors Porter and Norton, followed by a number of their students, moved to New Haven, where they made a distinguished contribution to scientific education at Yale.³⁷

The responsibilities of student discipline proved ever more onerous to Francis Wayland during the remaining three years of his presidency.³⁸ In the summer of 1852 Professor Caswell was appointed "Regent" to relieve him of concern for routine cases of misconduct.³⁹ Occasional disorders continued on College Hill. In the fall of 1852 firecrackers exploded during rhetorical exhibitions and campus out-houses were destroyed.⁴⁰ The president concluded that the chief troublemakers were Providence students, and prohibited them from loitering in rooms rented by resident undergraduates.⁴¹

Clearly Wayland's intransigence cost Brown University dearly in 1852. His rigid disciplinary rules were incompatible with the spirit of his elective curriculum, and though student rebellion could be suppressed, faculty dissatisfaction could not be prevented. In a crisis the president sacrificed the men he had carefully assembled to inaugurate technical education in Providence while sternly refusing to permit his pupils to attend public lectures by an itinerant Danish historian. By his own lights Wayland had done right, and his conscience was clear. But the disciplinary rigor of the old-time college could not survive in the modern American university, and his attempt

³⁶Walter C. Bronson, *The History of Brown University, 1764-1914* (Providence, 1914), 288.

³⁷Donald Fleming, *Science and Technology in Providence, 1760-1914. An Essay in the History of Brown University in the Metropolitan Community* (Providence, 1952), 42.

³⁸See Heman Lincoln Wayland to Francis Wayland, Junior, May 17, 1852.

³⁹Minutes, July 22, 1852, Proceedings of the Executive Board.

⁴⁰Reuben A. Guild to Heman Lincoln Wayland, November 24, 1852.

⁴¹Francis Wayland, Report to the Executive Board, December 10, 1852; Minutes of Brown University Faculty (1849-1870), December 14, 1852.

to link them was doomed to fail.

If Wayland's reforms after 1850 interrupted Brown's natural development in many ways, they were prophetic of the new state universities, land grant colleges, and graduate schools established after the Civil War to meet the needs of the growing nation. The founders of these institutions did not adopt Francis Wayland's "new system" as their guide, but several of them were impressed by the thrifty common sense of his critique of the residential college. Henry Philip Tappan, whose work at the University of Michigan was inspired by a desire to create a great American university on the German model, drew on Wayland's 1842 essay to support his own attack on the residential system:

Buildings are of course required. But in our country we have ever begun at the wrong end. We have erected vast dormitories for the night's sleep, instead of creating libraries and laboratories for the day's work. . . . It were better, like Abelard, to lead our students into the desert, if we could there give them truth and arouse thought.⁴²

Unlike Wayland, Tappan succeeded in removing undergraduates from the two dormitories he inherited at Michigan and converted the buildings to educational purposes.⁴³ Frederick A. P. Barnard, whose views on the college curriculum were conservative during his pre-Civil War career in Alabama and Mississippi, reprinted Wayland's critique of the residential system for Southern readers, regretting only that the President of Brown University had not been bold enough to propose the abolition of all existing dormitories.⁴⁴ President Andrew Dickson White, a disciple of Tappan's, opposed the erection of residence halls in his plan for the development of Cornell University.⁴⁵

Thus Wayland's views on college residence were well understood by his contemporaries. Like his proposals for curricular reform they pointed away from the self-contained institution, catering to a learned or professional elite, towards the public university, responsive to the

⁴²Henry P. Tappan, *Discourse on His Inauguration as Chancellor of the University of Michigan* (Detroit, 1852), 20, 31-32.

⁴³Kent Sagendorph, *Michigan, the Story of the University* (New York, 1948), 85-86.

⁴⁴Frederick A. P. Barnard, *Letters on College Government* (New York, 1855), 71-79, is a summary of Wayland's discussion of college residence in *Thoughts on the Present Collegiate System*.

⁴⁵[Andrew D. White], *Report of the Committee on Organization Presented to the Trustees of the Cornell University* (Albany, 1867), 44-46.

practical needs of an industrial democracy. Throughout his career he insisted that the education of all the American people was a task of unique importance in world history, which took priority over the erection of monumental dormitories:

A magnificent edifice is a delightful object of contemplation, yet I know not that to the philosopher or philanthropist it is aught more delightful, than the spectacle of a whole people cultivated to the highest degree of intelligence, free and independent, moving forward the pioneer of our race in the march of civilization, and scattering broadcast upon the nations "the benefits of knowledge and the blessings of religion."⁴⁶

⁴⁶*Thoughts on the Present Collegiate System*, 129-130.

NEW MEMBERS

May 28 — August 1, 1960

Mr. Arthur Anderson	Mr. Rolf E. Johnson
Mr. Donald F. Blount	Cranston, Rhode Island
Barrington, Rhode Island	Mr. & Mrs. Thomas L. Johnson, Jr.
Mrs. George E. Bowles	Mr. V. A. Johnson
Mr. Chester H. Carnes	Barrington, Rhode Island
East Providence, Rhode Island	Mr. Peter Arthur Lans
Mr. & Mrs. Robert Cunningham	Mrs. Herbert Luft
Mrs. Paul Curtis	Warwick, Rhode Island
Lake Forest, Illinois	Mr. Francis P. Nash, Jr.
Mr. John R. Turner Ettlinger	Mrs. Edith Davis Pye
Mr. Ernest A. Grant	Mr. Lawrence B. Romaine
East Providence, Rhode Island	Middleboro, Massachusetts
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