

The Most Reactionary Loyalist? Jonathan Boucher in Revolutionary Chesapeake

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要 約

ジョナサン・パウチャーはアメリカ独立革命史において最も保守的で反動的なロイヤリストとされてきた。しかし1970年代に入ると、パウチャーは決して反動的ではなく本国と植民地の既存関係維持を訴える「国制擁護保守」であったとする研究が現れ、パウチャー評価は修正された。では、なぜパウチャーは最終的にロイヤリストとなったのか？本稿は、彼の公定教会聖職者としての矜持と一本気な性格が愛国派の圧力を受けて強固なロイヤリズムへと結晶化したことを論証する。

第一節では、イングランドで生まれたパウチャーが教師としてヴァージニアに渡り、当地で公定教会の聖職者として身を立てる過程を扱う。彼は聖職および地元名士の子弟の教育を通じて、チェサピーク社会の支配層と深い親交を結んだ。この点で彼は後に愛国派となる周囲の人々に寄り添っていたが、同時に公定教会聖職者としての強固な自覚が芽生えていた。

第二節では、パウチャーのロイヤリズムが公定教会体制の擁護を通じて形成されたことを示す。サミュエル・チェイスら愛国派は詭弁を弄してまで公定教会という既存秩序を攻撃したのに対し、パウチャーは理路整然と反駁してみせた。この点でパウチャーは決して反動的ではなかった。しかし、アメリカに主教を導入する計画を推進した点でパウチャーは聖職者や世俗最上層の中でも孤立しており、ここにロイヤリズムと親和性の高い権威主義的傾向が認められる。

第三節では、独立直前期において愛国派からの圧力が強まる中、パウチャーが本国権威への絶対服従を説いたことが示される。愛国派から暴力的対応を受けたパウチャーは、その直情な気性もあって態度をますます硬化させ、彼が本来持つ保守的傾向を前面に打ち出さざるを得なくなった。このように、彼がロイヤリストとして旗幟を鮮明にしたのは亡命の直前であったが、彼のロイヤリズムの核となる公定教会聖職者としての意識はそれ以前に遡るものであることには留意する必要がある。

Introduction

Unlike 19th-century Whig historians such as George Bancroft, 20th-century professional historians of the American Revolution have given the Loyalists decent significance in American history. However, the main schools of American history, whether Progressive or Consensus, have regarded Loyalists as merely ancillary to the Patriots, who directly contributed to the founding of the United States. In a study of the Loyalist Thomas Hutchinson, for instance, Bernard Bailyn stated that Loyalists and their principles deserved to be studied to “...explain the human reality against which the victors struggled.”¹⁾ Thus,

¹⁾ Bernard Bailyn, *The Ordeal of Thomas Hutchinson* (Cambridge, MA: Harvard University Press, 1974), xi.

studies of Loyalists seem to have never focused on the Loyalists per se nor on their positive significance in American history.

On the other hand, a few historians (although they might not be in the mainstream of the historiography of the American Revolution) have shed light on the Loyalists. For example, numerous biographical studies have been published, including biographies of Thomas Hutchinson, Peter Oliver, Jonathan Sewall, Joseph Galloway, and Peter Van Schaack. These have contributed vastly to discussions of the Loyalists and to attempts to generalize the Loyalists and their thought.²⁾ Other important attempts have been made toward such generalization, as well. In one such attempt, Janice Potter sought to identify the common factor of Loyalism. She analyzed Loyalists in Massachusetts and New York, and concluded that, in both colonies—which differed in ethnic and social diversity—the Loyalists formed their ideology against the Patriots in the same period.³⁾ In another attempt, William Allen Benton challenged the apparent distinction between the Loyalists and the Patriots. Benton claimed that some Loyalists, whom he called “Whig–Loyalists,” possessed similar political and social principles as those who supported independence. Although Benton’s “Whig–Loyalism” was not clearly defined, this argument deserves attention in the sense that it raised a question about the conventional understanding of the Loyalists.⁴⁾

We should not forget non-white Loyalists, of course. Many biographies of these people have been written, mostly of high-ranking officials and intellectuals who left writings that could be examined. The rise of minority studies in the 1970s, however, had great impact on Loyalist research. Studies on black and Amerindian Loyalists began to come out. Regional imbalance too has been corrected, as some historians are now focusing on the South and backcountry.⁵⁾

More recently, as a transnational approach is increasingly coming to the forefront in historical studies, a transatlantic approach is being taken by some Loyalist historians. For instance, Maya Jasanoff’s *Liberty’s Exiles* (2011) depicts the broader world surrounding the

²⁾ William Pencak, *America’s Burke: The Mind of Thomas Hutchinson* (Washington, DC: University Press of America, 1982); Andrew Walmsely, *Thomas Hutchinson and the Origins of the American Revolution* (New York: New York University Press, 1999); Carol Berkin, *Jonathan Sewall: Odyssey of an American Loyalist* (New York: Columbia University Press, 1974); John E. Ferling, *The Loyalist Mind: Joseph Galloway and the American Revolution* (University Park: Pennsylvania State University Press, 1977).

³⁾ Janice Potter, *The Liberty We seek: Loyalist Ideology in Colonial New York and Massachusetts* (Cambridge, MA: Harvard University Press, 1983).

⁴⁾ William Allen Benton, *Whig-Loyalism: An Aspect of Political Ideology in the American Revolutionary Era* (Rutherford, NJ: Fairleigh Dickinson University Press, 1969); Robert M. Calhoun, *The Loyalists in Revolutionary America, 1760–1781* (New York: Harcourt Brace Jovanovich, 1973).

⁵⁾ For example, Mary Louise Clifford, *From Slavery to Freetown: Black Loyalists After the American Revolution* (Jefferson, NC: McFarland, 1999); Jim Piccuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775–1782* (Columbia, SC: University of South Carolina Press, 2008).

Loyalists. In her study Loyalists are no longer mere losers, who fled the independent United States after losing a verbal and military war; they are endowed with positive significance in transforming the British Empire.⁶⁾

Research into the Loyalists has constantly developed and transformed for more than a century. A biographical approach, while the oldest, remains useful to integrate such diverse fields as social, cultural, intellectual, and political history, and to contribute to a newer interpretation of the American Revolution. With this intention, this article will focus on Jonathan Boucher (1738-1804).

In the existing scholarship of the American Revolution, Boucher has been regarded as one of the most conservative Loyalists. Historians such as Claude H. Van Tyne, Max Savelle, Clinton Rossiter, William Nelson and Bernard Bailyn all depicted Boucher as a staunch Loyalist who "...sought, first and foremost, to establish the divine origins of the doctrine of obedience to constituted authority," in Bailyn's words.⁷⁾ Thus, Boucher was referred to by historians of the American Revolution as an example of a reactionary Loyalist.⁸⁾ In 1972, however, Anne Zimmer published an article revising Boucher's reputation. According to Zimmer, Boucher was not so different in political ideology—except on the right of revolution and contract theory—from conservatives on the Patriots' side such as John Adams and Alexander Hamilton. In this sense Zimmer called Boucher a "constitutional conservative" who believed in the rule of law and the British constitution.⁹⁾ In 1978 Zimmer published the first comprehensive biographical study of Boucher, which is still the most reliable source on Boucher.¹⁰⁾

However, the question remains: Why did Boucher become a Loyalist if he was a "constitutional conservative" who shared many elements with the conservative Patriots? Zimmer did not present a clear view of why and how Boucher developed his Loyalism and what its core was like. To elucidate this, this article will focus on Boucher's service as an

⁶⁾ Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Knopf, 2011).

⁷⁾ Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1967), 314–15.

⁸⁾ On evaluations of Boucher as a staunch Loyalist, see Richard M. Gummere, "Jonathan Boucher, Toryissimus," in *The American Colonial Mind and the Classical Tradition: Essays in Comparative Culture* (Cambridge, MA: Harvard University Press, 1963), 161–72; Ralph E. Fall, "The Rev. Jonathan Boucher, Turbulent Tory (1738–1804)," *Historical Magazine of the Protestant Episcopal Church* 36 (1967): 323–56. "Toryissimus" in Gummere's work may have been coined by following a form of adjectival superlatives of Latin. In contrast, some articles point out "liberal" sides of Boucher. See Michael D. Clark, "Jonathan Boucher and the Toleration of Roman Catholics in Maryland," *Maryland Historical Magazine* 71 (1976): 194–204; Robert G. Walker, "Jonathan Boucher: Champion of the Minority," *William and Mary Quarterly*, 3rd ser., 2 (1945): 3–14.

⁹⁾ Anne Young Zimmer and Alfred H. Kelly, "Jonathan Boucher: Constitutional Conservative," *Journal of American History* 58 (1972): 897–922.

¹⁰⁾ Anne Y. Zimmer, *Jonathan Boucher: Loyalist in Exile* (Detroit: Wayne State University Press, 1978).

Anglican minister. In his American days, Boucher's principles were put forth mostly as a clergyman of the established church in Chesapeake. This makes it natural to hypothesize that the core of his Loyalism stemmed from his strong identity as an Anglican clergyman. This article will test this hypothesis.

Sections of this article are arranged largely in chronological order because Boucher's thought developed along with his experience in the Chesapeake colonies. The first section explains Boucher's cultivation of close relationships with colonial elites. The second section shows how Boucher defended the plan to invite a bishop to America as well as the clerical benefice. In the third section, Boucher's resistance to revolutionary institutions is demonstrated, showing how he accused them of being extra-legal. This article will depict Boucher's life and thought in a multilayered way by referring to primary materials such as newspaper articles, reminiscences, sermons, letters, and pamphlets.¹¹⁾

1. Getting Established in Colonial Chesapeake as a Clergyman

The first section will show how Boucher established himself in colonial society as a clergyman of the church and as a schoolmaster, and in so doing, shed light on key aspects of his personality—aspects which, this paper argues, influenced his later decision to side with the Loyalists. Boucher's correspondence with George Washington will be examined assuming that Boucher's firm identity as an Anglican clergyman surfaced in his insistence on Washington's stepson entering King's College, an Anglican institution at that time.

(1) Becoming a clergyman and joining the gentry

On July 13, 1759, Jonathan Boucher, an ambitious twenty-one-year-old from England, landed in Port Royal, Virginia. He arrived there as a tutor to sons of a planter, intending to become a merchant after saving some money. Although his plan eventually floundered due to issues with his employer, it is clear that Boucher was interested in pecuniary well-being.¹²⁾

Then Boucher began to plan to join the holy order of the established church. In Virginia, unlike in England, it was relatively easy for less-educated young men to become clergymen.

¹¹⁾ Boucher's sermons were compiled and published in 1797, in the following work: Jonathan Boucher, *A View of the Causes and Consequences of the American Revolution: in Thirteen Discourses, Preached in North America between the Years 1763 and 1775 with an Historical Preface* (London, 1797; New York: Russell & Russell, 1967). This work is henceforth cited as *View*. As Zimmer pointed out, his published sermons, which historians have relied on in referring to his political ideology, were revised after he was exiled, probably because he clarified the conservative elements of his original sermons composed in his American days. The sermons are useful and indispensable for analyzing Boucher's ideas, although it is always important to be conscious of this problem when dealing with historical material.

¹²⁾ Jonathan Boucher, *Reminiscences of an American Loyalist, 1738-1789: being the autobiography of the Rev[d]. Jonathan Boucher, rector of Annapolis in Maryland and afterwards vicar of Epsom, Surrey, England*. ed. Jonathan Bouchier (Boston: Houghton Mifflin company, 1925), 24-28. Henceforth cited as *Reminiscences*.

Boucher was educated at a grammar school and by a teacher of mathematics in his home province, but he never received college education as did most eighteenth-century clergymen in England. In 1750s Virginia, more than half the clergymen of the established church were from outside the colony. As this fact shows, the church faced a shortage of clergymen.¹³⁾ This partly accounts for the fact that Boucher could join the clergy even without a higher education.

Boucher acquainted himself with Isaac W. Giberne, a clergymen of Hanover Parish near Port Royal, at some point in his first two years. Giberne offered his position to Boucher, since he was supposed to transfer to another parish. Boucher did not write how he came to know Giberne, but it can be inferred that Boucher was skillful in finding friends who could benefit him. Boucher obtained a letter of introduction from Giberne and set sail back to England to meet the Bishop of London for ordination.¹⁴⁾

Not until he was back to Virginia did he get entangled in a conflict with Giberne and his former employer. Boucher once spoke ill of Giberne's literary ability, and the former employer repeated the insult to Giberne. Infuriated, Giberne spread a negative rumor about Boucher to parishioners. Boucher did not apologize for his indiscretion, even challenging Giberne to an intellectual "duel." Boucher told Giberne to translate a chapter of the Greek Old Testament into English, even though Boucher knew nothing of Greek.¹⁵⁾ This episode suggests that Boucher was reckless, unyielding and somewhat supercilious. It is impossible to directly associate his personal character with his later Loyalism as a purely abstract ideology, but it may have something to do with his isolation from the community.

There is another episode indicative of his straightforwardness and sense of justice. This may have something to do with the commitment to the rule of law he later insisted on. In the summer of 1766, John Chiswell, the father-in-law of the powerful planter Landon Carter, was arrested on charges of stabbing to death Robert Routledge in a tavern brawl. He was soon bailed out, however. It was unusual for a murder case. His release triggered a storm of criticism in a local newspaper against the judges. Boucher published an anonymous letter, which denounced the judges for allowing the release.¹⁶⁾ If Boucher had been interested only in his social status and monetary benefit, he would not have done such a thing. Therefore, it is natural to assume that he did so out of his sense of justice, and that this outspokenness may be related to his being isolated in revolutionary Maryland.

Nevertheless, Boucher successfully started his career as a minister of the established church in Virginia. In the spring of 1763, he transferred to the parish of St. Mary's, which

¹³⁾ John K. Nelson, *A Blessed Company: Parishes, Parsons, and Parishioners in Anglican Virginia, 1690-1776* (Chapel Hill: The University of North Carolina Press, 2001), 125.

¹⁴⁾ According to Zimmer, Boucher was far from a religious person, and even doubted the Trinity. Zimmer, *Jonathan Boucher*, 43.

¹⁵⁾ *Reminiscences*, 37-38.

¹⁶⁾ Zimmer, *Jonathan Boucher*, 62-65.

included the town of Port Royal. This parish had no glebe, but Boucher held the right to receive 4,000 pounds of tobacco a year in compensation. He was too ambitious to be satisfied with this success, though.

(2) Friendship with George Washington and growing Anglican identity

In colonial Virginia, many clergymen were engaged in education and received an extra income in addition to their clerical salary. As his own mentor had done in England, he started a private school, teaching sons from local elite families. More importantly for his career, he came to know some local prominent men through his teaching. The most famous figure among his acquaintances was George Washington.¹⁷⁾

In a letter Boucher dated May 30, 1768, Washington requested that Boucher's school admit John Park Custis, Washington's stepson, the child of Washington's wife Martha and her former husband.¹⁸⁾ Boucher accepted this request, and the boy entered the school that summer. Custis was hard to educate because he often became sick and showed little interest in academic matters, but Boucher knew that his stepfather had a grand estate, and that a friendship with the planter would benefit him. In fact, Boucher and Washington did become friends. Boucher first visited Mount Vernon, Washington's estate, in 1769, as well as several other times.¹⁹⁾

Boucher's identity as an Anglican minister can be seen in his insistence on sending Custis to King's College in New York. Unsuccessful in persuading Washington to send Custis to Europe to complete his education, Boucher began to recommend that the boy be sent to a college in the American colonies. At that time, there were a limited number of colleges, such as Harvard, Yale, King's College (later Columbia), College of New Jersey (later Princeton), and the College of William and Mary. Except for the College of Philadelphia (later the University of Pennsylvania), these colleges were founded by a Christian denomination. Unreservedly belittling the College of New Jersey and speaking unfavorably of the College of Philadelphia, Boucher eagerly recommended that the boy enroll in King's College. King's College was founded by the Anglicans,²⁰⁾ whereas the College of New Jersey was founded by the Presbyterians. Here, Boucher's pride in Anglicanism and hatred for the Presbyterians can be seen.²¹⁾ He did not dismiss the College of Philadelphia, but his attitudes toward Philadelphia were not positive. He stated that the city planning was republican, or rather

¹⁷⁾ *Reminiscences*, 40–42; Zimmer, *Jonathan Boucher*, 61.

¹⁸⁾ George Washington to Jonathan Boucher, May 30, 1768, in *The Writings of George Washington from the Original Manuscript Sources 1745–1799*, vol.2, ed. John C. Fitzpatrick (Westport, CT: Greenwood Press, 1970), 486–88.

¹⁹⁾ *Reminiscences*, 48–50; Zimmer, *Jonathan Boucher*, 77–79.

²⁰⁾ On the founding of King's College, see John Brett Langstaff, "Anglican Origins of Columbia University," *Historical Magazine of the Protestant Episcopal Church* 9 (1940): 257–60.

²¹⁾ Jonathan Boucher to George Washington, January 19, 1773, in *Letters of Jonathan Boucher to George Washington*, 39–41.

populist, and that New York City, the seat of King's College, was more genteel, as more affluent people resided there. Although his words in his *Reminiscences* cannot be taken purely at face value, he was clearly contemptuous of other denominations. As for Philadelphia, he disliked it, saying "there are no squares, no public edifices of any size or dignity..., in short, everything about it has a quakerly or rather, a Republican, aspect."²²⁾ In this sense, Boucher's tendency toward Anglicanism as the established faith of the British Empire can be detected. He was very conscious of the rivalry among Christian denominations in the American colonies, and very proud of his own denomination, Anglicanism.

Thus, Boucher succeeded in establishing himself in colonial Chesapeake as a clergyman and teacher by making connections with local planters and the influential figures of the colonial government. Boucher did not cause conflict against fellow Americans; rather, he took root in colonial Chesapeake society, and he well understood the planters' interests. For instance, in a letter to his mentor in England, Boucher criticized the Stamp Act and showed compassion for the American colonists.²³⁾ At the same time, he showed his strong commitment to Anglicanism, as was expressed in his insistence on sending John Custis to King's College. Although strong consciousness of being an Anglican clergyman did not directly lead to his Loyalism, this prefigures Boucher's defense of the established church of Maryland a few years later. However, as his attitudes toward the murder case showed, Boucher was far from a mere sycophant to the authorities. Rather, he was a man with a sense of justice, who was not afraid to criticize magnates in colonial society. This personality, along with his growing identity as an Anglican minister, must have influenced his becoming a Loyalist in the face of the Revolution.

2. As a Defender of the Established Church

This section examines Boucher's principles as an Anglican and established churchman which are reflected in his rigorous defense of church institutions. After first setting the context of late-colonial Maryland politics, this section will analyze a pivotal controversy over the established church's benefice—a well-known dispute between Boucher and two Patriots. This controversy is significant because it elucidates not only Boucher's ideas, but also the Patriots' attitudes toward the Loyalists. The final subsection will investigate his attitudes toward an American bishop. In contrast to his work to defend the benefice, Boucher could find few friends among the secular elite and even the fellow clergymen concerning this issue. As he was familiar with colonists' distaste for the idea of an American bishop, he would not have expressed his thoughts if he had acted merely out of self-interest in colonial

²²⁾ *Reminiscences*, 101–3. Citation 101.

²³⁾ Jonathan Boucher to John James, December 9, 1765, "Letters of Rev. Jonathan Boucher," *Maryland Historical Magazine* 7 (1912): 295. Zimmer emphasizes Boucher's sympathy for would-be-Patriots. Zimmer, *Jonathan Boucher*, 61–62.

society. His discourse on an American episcopate was based on his deeply-held convictions, which also inform his Loyalism.

(1) Party politics and the established church in the Chesapeake colonies

In late 1770, largely because of economic interests, Boucher moved to Annapolis, Maryland, as a rector. Maryland's clergymen gained a benefice that was several times larger than that of Virginia's counterparts. While Virginia's benefice was a flat 16,000 pounds of tobacco, in Maryland thirty pounds of tobacco were imposed on all taxable residents, with a parish rector's benefice in proportion to its population.²⁴⁾

In private life too, Boucher was in favorable circumstances. In June 1772, he married Eleanor Addison, whose uncle, Henry Addison, was a churchman from a wealthy family in Maryland. By purchasing a plantation and slaves, he realized his plan to become a planter and gentleman in America.²⁵⁾

Apart from how deeply Patriots were divided by class interests, almost all preceding studies agree that the proprietary government was at odds with a large proportion of Maryland's people including most planters.²⁶⁾ In colonial Maryland, the Country Party and the Court Party had a conflict with each other. The Country Party was often critical of the proprietary government and its supporters (the Court Party). As the Revolution approached, the Country Party led active movements against Britain and the colonial government. Samuel Chase and William Paca, mentioned in the next subsection, were activists of the Country Party.²⁷⁾

In general, studies of religion in the Revolution have concluded that proprietary officials and the Anglican clergy became Loyalists.²⁸⁾ However, the picture is not so simple. According to Anne Alden Allan, two-thirds of proprietary officials and the established church's clergy became Patriots. Allan suggests that psychological and familial distance from

²⁴⁾ Jonathan Boucher to John James, July 19, 1765, *Maryland Historical Magazine* 7 (1912): 293; *Reminiscences*, 50–53.

²⁵⁾ *Reminiscences*, 57, 75–76, 91–92.

²⁶⁾ The conflict between administrations and lower houses of legislatures has been pointed out in other British-American colonies as well. See, for example, Bernard Bailyn, *The Origins of American Politics* (New York: Vintage Books, 1968); Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607–1788* (Athens, GA: University of Georgia Press, 1986).

²⁷⁾ On the Revolution in Maryland, see Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore: Johns Hopkins University Press, 1973), especially chapters 5 and 6. The following book also gives much information on political conflicts in colonial Maryland and their relation to the Revolution. Charles A. Barker, *The Background of the Revolution in Maryland* (New Haven: Yale University Press, 1940).

²⁸⁾ For example, Mark A. Noll, *Christians in the American Revolution* (Vancouver: Regent College Publishing, 2006 [1977]), 103–4.

the proprietor and his governor caused one to decide whether to become a Patriot or a Loyalist.²⁹⁾ In this light, it is natural that Boucher became a Loyalist, because he was friends with the governor and some council members.³⁰⁾ Yet this does not mean that Boucher was always on good terms with the Court Party. The relationship between the secular elite and the clergy sometimes soured regarding the discipline of the clergy and the benefice. To be sure, Boucher was a clergyman close to the secular elite, but he was exceedingly conscious of his status as a clergyman independent of the secular elite, and enthusiastic for the formality of the Church—a posture that would eventually conflict with the secular elite and even the majority of the clergy.³¹⁾ It is not appropriate to attribute Boucher's Loyalism entirely to his being close to the proprietary government; it was based on his firm identity as an Anglican clergyman distinct from the secular elites.

(2) Defending the benefice

It may seem quite natural that Boucher defended the church benefice, because he joined the clergy of the established church to gain financial stability. In fact, he was very conscious of his income as a churchman.³²⁾ When in Virginia, he was involved in the Parsons' Cause controversy and wrote anonymous articles that defended the benefice.³³⁾ It seems that in Virginia, he did so just out of self-interest, not based on principle. However, the controversy to be examined here likely also led him to develop a sense of crisis about the established church in itself. This subsection will examine how Boucher refuted the attack by Patriot lawyers on the clerical salary.³⁴⁾

On October 22, 1770, the legal grounds for the Maryland clergy's salaries expired. But salaries for the established church's clergy still retained their legal basis in the Establishment Act of 1702. This act provided that forty pounds of tobacco per person was to be collected annually for the church. However, not everyone obeyed the older act. Boucher's parishioners

²⁹⁾ Anne Alden Allan, "Patriots and Loyalists: The Choice of Political Allegiances by the Members of Maryland's Proprietary Elite," *Journal of Southern History* 38 (1972): 283–92.

³⁰⁾ On Boucher's connection with proprietary establishment, see Zimmer, *Jonathan Boucher*, Chapter 5.

³¹⁾ For information on the relationship between the secular establishment and the clergy in colonial Chesapeake, see James P. Walsh, "Black Cotted Raskolls': Anti-Anglican Criticism in Colonial Virginia," *Virginia Magazine of History and Biography* 88 (1980): 21–36; James Haw, "Maryland Politics on the Eve of the Revolution: The Provincial Controversy, 1770–1773," *Maryland Historical Magazine* 65 (1970): 103–29.

³²⁾ For example, Boucher told his mentor that he wanted to transfer to a parish in Maryland because that colony had a higher benefice. Jonathan Boucher to John James, March 9, 1765, *Maryland Historical Magazine* 7 (1912): 339–40.

³³⁾ Zimmer, *Jonathan Boucher*, 59–61.

³⁴⁾ Zimmer studied the controversy. Anne Y. Zimmer, "The 'Paper War' in Maryland, 1772–73: The Paca-Chase Political Philosophy Tested," *Maryland Historical Magazine* 71 (1976): 177–93.

did not pay it at all.³⁵⁾

Against this backdrop, two Patriots leaders started their attack of the church benefice in a local newspaper the *Maryland Gazette*. They were Samuel Chase and William Paca, lawyers and opposition leaders since the 1765–66 Stamp Act Crisis. They were from wealthy families, but estranged from the proprietary government.³⁶⁾ Boucher joined the controversy on the side of the Church. The argument between Boucher and the two lawyers mainly concerned the validity of the 1702 act and the justification of vestrymen's authority without that act.

In the *Maryland Gazette* (September 10, 1772), Paca asserted that the 1702 act established by the Maryland Assembly was invalid, and even unconstitutional, because, at the time that it was passed, the assembly had not yet been formally convened by the new monarch (Queen Anne).³⁷⁾ Paca also insisted that succeeding acts never confirmed the act of 1702, because the latter was “void ab Initio (void from the beginning).”³⁸⁾

Boucher was astounded by the two lawyers' denial of the 1702 act, and he placed his rebuttal in the *Gazette* on December 31, 1772. A fierce controversy broke out. He presented ten queries to Paca and Chase in order to point out a glaring contradiction in their argument. Boucher knew that Chase and Paca were vestrymen in their parish. Vestrymen were elected—usually by local magnates—and they were in charge of parish management, performing tasks such as building and renovating a chapel and inviting a rector. The 1702 act also provided for the power and duty of vestrymen. Boucher pointed out the contradiction that the two lawyers were rejecting the same act that vested in them their rights and duty as vestrymen.³⁹⁾

Calling Boucher an “uncharitable priest,” Chase and Paca attempted to justify their power and action as vestrymen by citing supplemental statutes and common law. First, they admitted that, as vestrymen of Saint Anne's Parish, they had requested that the county court assess five pounds of tobacco per taxable parishioner, and that the purpose of the assessment was to repair their church building. Furthermore, the two lawyers claimed that the acts of 1704 and 1729, enacted by the Maryland Assembly, confirmed their authority

³⁵⁾ Jonathan Boucher to John James, November 16, 1773, *Maryland Historical Magazine* 8 (1913): 182–83. On the legal issues that directly caused the controversy, see Jean H. Vivian, “The Poll Tax Controversy in Maryland, 1770–76: A Case of Taxation with Representation,” *Maryland Historical Magazine* 71 (1976): 151–76.

³⁶⁾ On Samuel Chase (1741–1811), see Alan F. Day, *A Social Study of Lawyers in Maryland* (New York: Garland, 1989), 255–57; *American National Biography* (New York: Oxford University Press, 1999), vol. 4, s.v. “Chase, Samuel.” On William Paca (1740–1799), see Day, *Social Study of Lawyers in Maryland*, 548–50; *American National Biography*, vol. 16, s.v. “Paca, William.”

³⁷⁾ William III died on March 8, 1702 (the Julian calendar). Queen Anne immediately succeeded him and ascended to the throne.

³⁸⁾ *Maryland Gazette*, September 10, 1772.

³⁹⁾ *Ibid.*, December 31, 1772.

as vestrymen. The Act of 1704 provided that vestrymen could request the county courts to raise taxes to provide for church matters.⁴⁰⁾ They also cited the act of 1729 to justify the vestrymen's power to levy not more than 10 pounds of tobacco on parishioners for church maintenance. Thus, they maintained that they were "*legally and constitutionally* Vestrymen and Churchwardens of St. Anne's parish."⁴¹⁾

Chase and Paca relied not only on the acts of 1704 and 1729, but also on common law, which was "founded upon publick utility." According to them, their parish had already been designated by common law as a "body politic" even before the act of 1702 was established.⁴²⁾ Chase and Paca thus justified being vestrymen and raising a church tax on the basis of supplementary acts and common law, while simultaneously denying the validity of the act of 1702.⁴³⁾

In his next response to the lawyers, Boucher emphasized the significance of statutes enacted by the colonial Assembly, stating that "there were neither parishes nor vestries in Maryland, before the Act of 1692" because Maryland had been governed by a "professed Papist," not by Anglicans. Chase and Paca depended partly on custom and usage to justify their power as vestrymen. Boucher criticized them, saying, "You cannot claim under an [*sic*] usage, where you can prove the authority from which it is derived: were it otherwise, there would be no other Laws, than those dependent on custom." Furthermore, Boucher retorted that parish rectors, as well as parishes and vestries, would be justified. Here Boucher seems to have been successful in pointing out the far-fetched nature of the lawyers' claim.⁴⁴⁾ The lawyers invoked common law theory again, but their claim was far from cogent.⁴⁵⁾

On April 29, in the final article of this controversy, Boucher pointed out a fundamental flaw in Chase and Paca's basis for the nullity of the 1702 act. In 1714, a new writ of election was issued by King George I. In 1715, Benedict Leonard Calvert converted to the Church of England, so that the king restored his proprietorship in Maryland. Once Maryland became a proprietary colony again, its assembly had to be summoned by the proprietor, not by the king. However, the assembly enacted some important laws in the 1716 session, without a new writ of election and summons being issued by the proprietor. One of the laws was the act that provided the election and authority of the Delegates (the lower house), to which Chase and Paca belonged. Boucher triumphantly questioned whether the statutes enacted by the

⁴⁰⁾ This act is recorded in *Archives of Maryland* (Annapolis: Maryland State Archives, 1883–), vol. 26, 292–94.

⁴¹⁾ *Maryland Gazette*, January 14, 1773.

⁴²⁾ Chase and Paca later relied on common law, defining it strictly by means of their original interpretation, but here they used it in a more general sense—in that they contrast it against statutes.

⁴³⁾ *Maryland Gazette*, January 14, 1773.

⁴⁴⁾ *Ibid.*, February 4, 1773.

⁴⁵⁾ *Ibid.*, March 18, 1773.

Maryland Assembly in 1716 were void.⁴⁶⁾ Chase and Paca never publicly responded to this challenge.

To sum up, this controversy was not a purely legal one, but a political one as well. Chase and Paca tried to nullify the 1702 act by way of miscellaneous legal bases such as common law, natural law, and supplementary laws. Their argument was a kind of sophism, and they could not meaningfully rebut Boucher's final and decisive argument. In terms of a legal controversy, the winner was arguably Boucher. However, Chase and Paca were the winners in that they succeeded in arousing Marylanders' anger against conservative clergy like Boucher. This controversy was already part of the American Revolution, and it entailed something beyond what the Patriots could justify by means of the existing order. In this sense, the analysis of the controversy supports Zimmer's evaluation that Boucher was a "constitutional conservative," not a reactionary Loyalist.⁴⁷⁾ And Chase and Paca were clearly revolutionaries in the sense that they denied the statutes and custom of colonial Maryland.

(3) Defending an American Bishop

Chase and Paca also brought to light the issue of an American episcopate, even though it was not relevant to the discussion of the act of 1702. Why did they do so? To put it briefly, an American episcopate was very unpopular not only in Chesapeake but also in all the American colonies.

The Church of England is a denomination that has bishops who supervise lower clergy. Though the Church of England was the established church in the Chesapeake colonies, bishops were not sent there. Colonial New Englanders were always on the alert against encroachment by the Anglicans into their Congregational churches. For them, a proposed American bishop was a symbol of religious oppression.⁴⁸⁾ Unlike in New England, however, in Maryland the Church of England was established upon the people's will. Therefore, the parish system itself was not drastically attacked by the people, as Chase and Paca acted as vestrymen. Nonetheless, Marylanders often complained about the benefice and the

⁴⁶⁾ Ibid., April 29, 1773. In this article, Boucher stated, "There was a *demise* in 1715." This refers to the death of Benedict Leonard Calvert, because Queen Anne died on August 1, 1714, if Boucher was not mistaken. Aubrey C. Land, *Colonial Maryland: A History* (Millwood, NY: KTO Press, 1981), 117–18.

⁴⁷⁾ Zimmer and Kelly, "Jonathan Boucher: Constitutional Conservative."

⁴⁸⁾ For example, the following work deals with the tenacious opposition movement against the introduction of an American bishop in New England: Carl Bridenbaugh, *Mitre and Sceptre: Transatlantic Faiths, Ideas, Personalities, and Politics, 1689–1775* (New York: Oxford University Press, 1962). However, some scholars are critical of Bridenbaugh's overemphasis on New Englanders' fear of an American bishop. See Nancy L. Rhoden, *Revolutionary Anglicanism: The Colonial Church of England Clergy during the American Revolution* (New York: New York University Press, 1999), 37–38.

misconduct of some clergymen.⁴⁹⁾ The governors and council members basically sided with the clergy, but they sometimes clashed with the clergy over the balance of power in ruling the church. In Maryland, secular offices and people had a great deal of power over the church administration. The governors had a great deal of power, such as to induct and admonish a parish rector. The vestry also had an influence over clergymen.⁵⁰⁾ An American bishop, if such a bishop was introduced, would have ecclesiastical power over the Maryland church. The governors would thus be deprived of their powers over the clergy, and the vestry's influence on church matters would be reduced. The introduction of an American episcopate would cause concern both for the people and the secular establishment.⁵¹⁾ Chase and Paca must have recognized this and taken advantage of it in order to isolate Boucher.

They pointed out that Boucher had organized a movement to invite an American bishop from England.⁵²⁾ Boucher actually arranged a meeting on behalf of an American bishop in 1770; he was participating in the movement for an American episcopate with some other Anglican clergymen. He organized this meeting of clergymen for an American episcopacy despite opposition from the governor and the council. In a petition to the governor, Boucher and other clergymen claimed that an American bishop was indispensable to controlling its clergy, and they requested that the governor permit their petition for a bishop to be sent to the king and the archbishop of Canterbury.⁵³⁾ Chase and Paca must have brought up Boucher's actions regarding the bishop issue to gain public support for themselves, because they knew his actions would evoke Marylanders' worry and anger against Boucher's movement as a pro-bishop churchman.

One thing that should be noted here is that the American bishop proposed by Boucher was not one who exercises power over secular affairs. In Boucher's view, an American bishop was to be vested only with power over the clergy. He stated "American bishops...are to be of the suffragan kind; without peerages, without power, without preferment."⁵⁴⁾ Boucher did not want an English-style bishop who would have influence over secular politics. Nevertheless, few showed sympathy for Boucher's plan. Marylanders were too sensitive to encroachment on

⁴⁹⁾ For example, Van Voorst showed a list of clergymen accused of irregular conduct. Carol Van Voorst, *Anglican Clergy in Maryland* (New York: Garland, 1989), 311–12.

⁵⁰⁾ Nelson W. Rightmyer, *Maryland's Established Church* (Baltimore: Church Historical Society, 1956), 89–112. In Virginia, whose established church was also the Church of England, the power of laymen was strong too. See Nelson, *A Blessed Company*, 30–32.

⁵¹⁾ In a petition to the governor, Boucher insisted that the clergy control system should be one "by Bishops to which alone a Clergyman of the Church of England can in Conscience think it his Duty to Submit," and that only this kind of system would be truly constitutional. *Archives of Maryland*, vol. 32, 380. This must have displeased the governor.

⁵²⁾ They mentioned an American bishop as early as in their first response to Boucher. *Maryland Gazette*, January 14, 1773.

⁵³⁾ *Archives of Maryland*, vol. 32, 379–85.

⁵⁴⁾ "On the American Episcopate" in *View*, 141–42.

colonial autonomy by the home government and the Church.

Thus Boucher incurred the antipathy of many Marylanders in the controversy over benefice, but he was not totally friendless on this issue as the governor and some councilors backed him. Concerning an American bishop, however, Boucher was rather isolated and provoked anger even from the governor and the council. For Boucher, who was promoted thanks to the governor and his friends, confrontation with the top echelons of the colonial establishment was the last thing he wanted. The support for an American episcopate was based on Boucher's authoritarian principles, the core of his Loyalism. Boucher stated "a levelling republican spirit in the Church naturally leads to republicanism in the State; neither of which would heretofore have been endured in this *ancient dominion* [i.e. Virginia]."⁵⁵⁾ To Boucher, the Church without resident bishops was not the Church of England, the established religion in colonial Chesapeake. On this account, even to the Court Party and other clergymen, Boucher could not concede.⁵⁶⁾

3. Resisting the Revolution

This section will examine how Boucher hardened his attitudes towards the Patriots and their revolutionary institutions after the controversy. In this final stage, Boucher preached passive obedience to supreme power, but this did not come out of his ideology at that time; it came from the Patriots' violent treatment of the clergyman.

Although Boucher damaged his image in colonial society through the controversy with Chase and Paca, Boucher's merry interactions with the local elites continued. On Christmas Day, 1772, in the midst of the controversy, Boucher was invited to Mount Vernon and he enjoyed dining with George and Martha Washington.⁵⁷⁾ However, he did not mitigate his stance as a critic of revolutionary attack on the colonial establishment. Rather, he began to become entangled with the storm of the coming Revolution and to stiffen his conservative attitudes.

On May 10, 1773, ten days after the controversy between Boucher and the two Patriots ended, Parliament passed the Tea Act. The act did not provoke Marylanders' antipathy as immediately as it did New Englanders'. But in May 1774, the news that the Port of Boston was shut down by the so-called Coercive Acts reached Maryland. Citizens of Annapolis resolved that the cause of Boston would be the cause of the American colonies, and they joined the resistance to the British government. Each county followed suit. In June 22, the Maryland Convention, an extralegal body, was convened, and it decided to call in support for Boston and to send delegates to a proposed convention (the Continental Congress) in Philadelphia. In this situation, Boucher was asked to preach and drum up his parishioners'

⁵⁵⁾ Ibid., 104.

⁵⁶⁾ On an American episcopate in Chesapeake, see James B. Bell, *A War of Religion* (New York: Palgrave MacMillan, 2008), chap. 9.

⁵⁷⁾ Zimmer, *Jonathan Boucher*, 140–44.

support for Boston. Since he rejected this request and refused to sign some resolutions against the home country, he was severely criticized and was targeted with contemptuous words. His position in Maryland's society decisively deteriorated. Boucher "daily met with insults, indignities, and injuries."⁵⁸⁾ Meanwhile, Boucher expressed his opposition to the coming first Continental Congress by publishing an anonymous pamphlet in the summer of 1774.

In this pamphlet, Boucher summarized the British Constitution, which was applicable to the American colonies as a mixed government, in which the monarch and the Parliament shared the power. The monarch held the administrative power; the legislative power was shared by the monarch and the Parliament. Each legislative body of the colonies was qualified to enact by-laws that could be applied to each colony, but should not contradict English law. Boucher feared that the Continental Congress would cross the Rubicon; he stated that "as long as government subsists, subjects owe an implicit obedience to the Laws of the supreme power, from which there can be no appeal to Heaven."⁵⁹⁾

Boucher recognized that Patriots invoked John Locke's theory in criticizing imposing taxes without representation. According to Boucher, the Patriots intentionally hid the fact that Locke's intention was to establish the authority of the Parliament as the virtually supreme body of the English government. Of course, Boucher's argument did not gain support in America in 1774, because he failed to present an alternative to the virtual representation theory, which the colonists were willing to accept.⁶⁰⁾

Boucher's appeal was in vain; the first Continental Congress convened in Philadelphia in September 5, 1774. The Congress resolved that they were ready to go to armed resistance if the British government went to war. Boucher feared that extralegal bodies such as the Continental Congress and local conventions and committees would gain popular approval and become official institutions.⁶¹⁾ He persisted in opposing such extralegal bodies, saying that making people obey such bodies' decisions by oppressing the freedom of speech was a kind of tyranny.⁶²⁾

In addition to Boucher's connection with the governor and top elites of the colony, his defiant attitudes and remarks to revolutionary institutions further provoked the Patriots' antipathy towards him. After the first Continental Congress, Maryland Patriots organized a de facto revolutionary government and started to clamp down severely on anti-revolutionary attitudes and activities. Of course, Boucher was on the list. One day in 1775, more than two

⁵⁸⁾ *Reminiscences*, 105.

⁵⁹⁾ [Jonathan Boucher], *A Letter from a Virginian to the Members of the Congress to be Held at Philadelphia, on the First of September, 1774* (London: J. Wilkie, 1774), 17–21, Citation, 20.

⁶⁰⁾ *Ibid.*, 41–44.

⁶¹⁾ Barker, *Background of the Revolution*, 368–72; On political conflicts in 1774, see Hoffman, *Spirit of Dissension*, 132–37.

⁶²⁾ *Reminiscences*, 128–30; Zimmer, *Jonathan Boucher*, 155–59.

hundred militiamen swarmed into the governor's office to take Boucher to the Provincial Committee (the revolutionary government), of which Samuel Chase and William Paca were members.⁶³⁾ Despite the governor's and his councillors' advice to flee, Boucher was determined to make a stand against the soldiers, because he thought that "to comply with the advice of my friends would be to fall into the pit my persecutors had dug for me." Boucher offered to meet the committee if the captain took soldiers away and allowed him to visit the committee as a gentleman, not as a detainee. Confronting the committee members, Boucher peremptorily denounced revolutionary and extralegal institutions. This time he was acquitted because the audience, upon hearing his explanation, claimed that he was not guilty.⁶⁴⁾

Boucher became increasingly isolated, not only in Maryland's politics, but also among the Anglican clergy in the American colonies. Regarding an American episcopate, some colleagues in the middle colonies cooperated with Boucher in promoting the plan. However, as Independence approached, many Anglican ministers in the middle and southern colonies began to show sympathy to the Patriots. Some of them published sermons that tolerate armed resistance to the mother country.⁶⁵⁾ In order to understand Boucher's attitudes towards the relationship between the colonies and the mother country, sermons by Philadelphia Anglican clergymen William Smith and Jacob Duché, and Boucher's counterargument, will be briefly discussed.⁶⁶⁾

Smith referred to the Book of Joshua to criticize the American colonies' resistance to the home country. Smith compared the Israelite tribes that moved to the east side of the Jordan River to the American colonists who crossed the Atlantic. According to Smith, both the Israelite tribes and the Americans created their state and society following home customs. Smith claimed that the Americans entered into an "original contract" with the mother country and that the American colonies and the home were equal.⁶⁷⁾

Boucher criticized Smith's interpretation of the biblical episode. According to Boucher, it was the Americans, not the British government, that rejected negotiation with the other party. Smith had stated that "a continued submission to violence is no tenet of our Church," and that "the doctrine of absolute Non-resistance has been fully exploded among every virtuous people."⁶⁸⁾ Boucher attacked this claim in particular, and insisted on absolute non-resistance to existing authorities. He said that "violences, in a political sense, are any exertions or exercises of power by persons not legally invested with power," and he told the

⁶³⁾ Hoffman, *Spirit of Dissension*, 142; Barker, *Background of the Revolution*, 370.

⁶⁴⁾ *Reminiscences*, 105–108.

⁶⁵⁾ On Southern Anglican clergy's attitudes toward an American episcopate, see Bell, *War of Religion*, chapter 9.

⁶⁶⁾ Boucher met Smith in Philadelphia to discuss an American episcopate. *Reminiscences*, 100.

⁶⁷⁾ William Smith, *A Sermon on the Present Situation of American Affairs. Preached in Christ-Church, June 23, 1775* (Philadelphia: James Humphreys, Jr., 1775), 2–3.

⁶⁸⁾ *Ibid.*, 20–21.

congregation to accept measures by the home government, referring to Christianity as a “suffering religion.”⁶⁹⁾ In response to Duché’s sermon, Boucher preached “passive obedience” to the British government, which means reluctant obedience to absolute power even when its order runs counter to divine order.⁷⁰⁾ Now that the revolutionary movement had started, Boucher could only tell people to stay calm by using the term “passive obedience.”

Conclusion

The torrent of the times drowned out Boucher’s insistence on non-resistance and passive obedience. His position in Maryland and his parish worsened day by day. One day in 1775, a body of militia thronged to his church and threatened to kill him in order to stop his preaching against the Patriotic cause. Boucher had to choose one of the two options: to change his principles and stay, or to leave America. When persuaded by the governor, he chose the latter. In September 1775, he sailed for England, never to return.⁷¹⁾

There are two factors in Boucher’s adoption of a Loyalist position and his departure from the colony: political principle and personal character. Regarding political principle, he was not a staunch Loyalist from the beginning. Boucher wanted to settle in colonial Chesapeake society to join the local gentry, which would not be possible in his home, England. Indeed, he succeeded in doing so to a large extent. He shared his basic interests with Chesapeake gentry on imperial policy. However, the controversy with Chase and Paca marked Boucher as an enemy to the American cause, and it made Boucher realize his conservatism. Not until the Continental Congress convened did Boucher develop a strong Loyalist consciousness. As the relationship between the colonies and the home deteriorated, he began to take a tougher line, insisting, finally, on absolute non-resistance. Thus Boucher was forced to be a Loyalist as revolutionary circumstances emerged.

However, it can be said that Boucher inevitably became a Loyalist. His attitudes toward an American bishop were clearly conservative, or “High Church” in terms of Anglicanism.⁷²⁾ His High Church principle led Boucher to promote the project of inviting a bishop to America, even if his activity incurred the wrath of the ruling classes of the colony, including the governor. While he supported maintaining the clergy’s benefice, both in Virginia and Maryland, based on the interests of colonial Anglican clergy and his own, his espousal of an American resident bishop was apparently based on his own conservative principles, not on his self-interest.

Boucher’s personal character must have influenced the formation of his Loyalism as well. As was shown in the case of an American bishop and the murder case in Virginia, he

⁶⁹⁾ *View*, 481–82.

⁷⁰⁾ *Ibid.*, 545–46.

⁷¹⁾ *Reminiscences*, 121–23, 141.

⁷²⁾ The term “High Church” usually refers to Anglican clergymen who emphasized traditional rituals and authoritarian governance of the church.

was not a pliant person who would easily modify his principles in terms of his self-interest. This seemingly stubborn character made him seem to be a reactionary Loyalist. As Anne Zimmer demonstrated, Boucher was not a born reactionary. What is important, however, is the fact that many historians have nevertheless regarded Boucher as a highly conservative Loyalist. This means that the ideology confronted by the Patriots in the American Revolution (i.e. Loyalism) was created by the Patriots' actions of specifying their enemies. It was the revolutionaries that crystalized the inimical group and eliminated it by force. Boucher's experience in revolutionary Chesapeake was just one such case.