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The Relationship Between Benjamin Franklin and Arthur Lee

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THE RELATIONSHIP BETWEEN BENJAMIN FRANKLIN AND ARTHUR LEE

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A thesis presented to the Department of History of Old Dominion University in partial fulfillment of the requirements for the Degree of Master of Arts in History

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TABLE OF CONTENTS

INTRODUCTION .................................................. 1

Chapter
I. BACKGROUND AND EARLY ASSOCIATION ................. 6
   Family, Education, and Personality
   Royal Society of London
   Influence of Dennys De Berdt and John Wilkes

II. RIVALRY OVER THE LAND COMPANIES ................. 15
    Bases for Rivalry
    The Various Companies
    Reasons for Dissension
    Failure of the Companies

III. THE MASSACHUSETTS AGENCY ............................ 24
    Appointments
    Growing Antagonism
    Period of Cooperation
    Resignation of Franklin

IV. REPRESENTATIVES OF THE EMERGING NATION ............ 38
    Dumping of the Tea in Boston Harbor
    Points of Agreement and Cooperation
    Presentation of Congressional Petition
    Period Following Franklin's Return to America

V. COMMISSIONERS AT PARIS ................................ 58
    Appointment and Arrival
    Causes of Lee's Resentment
    Lee's Missions to Spain and Prussia
    Signing of the Treaties
VI. DISSENSION, DISSOLUTION, AND RECALL .......................... 72

Recall of Silas Deane
Final Break Between Franklin and Lee
Arrival of John Adams
Various Disputes Among the Commissioners

VII. AFTERWARD ............................................................... 89

Alliance Affair
Disturbance in Congress Following Lee's Return
Lee's Campaign to Discredit Franklin
Personal Disappointments
Deaths

CONCLUSION ................................................................. 106

BIBLIOGRAPHY ............................................................... 110
INTRODUCTION

Among the many perplexities which beset the Continental Congress during the American Revolution, one of the foremost was that of the diplomacy of the fledgling nation. Distance from Europe and slowness of ocean travel usually entailed a three-months' period of waiting between the sending of a communication to representatives of the Congress in Europe and the arrival of a reply. Indeed, the dangers and uncertainties of voyages back and forth across the Atlantic prevented many messages from reaching their destinations, and official papers often fell into enemy hands.

Congress could call on no native corps of professionally trained, skilled diplomats. Until the outbreak of the Revolution, agents of the individual colonies placed petitions and memorials before King and Council, and looked after the commercial interests of their clients. Their dealings were with the mother country and did not involve high-level international affairs of a kind to provide valuable diplomatic experience. Refusal of European nations to grant official recognition to rebellious colonies effectually hampered the men whom Congress authorized as representatives. Most of the time it was impossible for American agents to obtain a hearing in the countries to which they were designated. Occasionally they saved themselves from the futility of their task by not pursuing attempts at entry.
Lack of funds thwarted diplomatic enterprise and made the work of American representatives doubly frustrating. Rather than consistently furnishing financial support for its diplomatic agents, Congress relied on them for its own fiscal needs. More than one anguished official abroad discovered on receiving orders to borrow money, that Congress had already drawn heavily on the funds he was yet to borrow.

These various diplomatic problems gripped the attention of Congress during the crucial years from 1775 to 1783, but none festered more sorely than a further ill: the wrangling and quarreling within the group who formed the diplomatic corps of the emerging nation. The men who represented the newly-formed United States in her affairs in Europe waged internecine warfare in varying degrees of intensity and seriousness. The echoes of their disputes sounded through Whitehall across the Channel, and beyond the Atlantic they reverberated in the gatherings of the sometime peripatetic Congress at Philadelphia, Baltimore, or York. Eventually there were occasions when the resulting bitterness took over deliberations of Congress and monopolized proceedings of that harried body for days on end. Congress split into factions derived from the diplomatic quarrels, and an undercurrent of distrust permeated discussions on subjects far removed from the realm of diplomacy proper. At times the pettiness of the diplomatic bickering assumed a ludicrous air; again its proportions grew in seriousness until it constituted a very real danger to the most important goals of the incipient nation.
Since the days of the Revolution, historians have labored to understand, relate, and interpret the motivations, maneuvers, and results of the disagreements, but their conclusions are neither settled nor final. Perusal of shifting trends evident in the writing of successive generations of these historians presents a most interesting challenge to the student who follows through the course of them.

Perhaps the best known of the diplomatic quarrels and certainly the most violent was that between Arthur Lee and Silas Deane which exploded in Congress in 1778. It has occupied a prominent place in subsequent histories concerning the Continental Congress and its representatives abroad. Parallel to the Lee-Deane imbroglio but more subtle in its maneuvers and much more significant in its impact was the resentment that threaded the relationship of Benjamin Franklin and Arthur Lee. Yet the Franklin-Lee association included a great deal of constructive cooperation in addition to animosity. Between Franklin and Lee there existed a complicated pattern of grudging respect contrasted with poorly-concealed contempt; of common effort, publicly displayed, toward the welfare of the colonies, over against secret derogation and private reproach. With the passing years, positive aspects of the relationship between the two men died away, leaving at the end little but Franklin's disgust and Lee's desire for revenge.

At first glance one is inclined to the view that Franklin attached slight importance to Lee, considering him rather a nuisance and tolerating his bad
disposition with a sigh of resignation. This first glance may also leave the impression that in Lee's mind Franklin was of supreme importance, as an object held too close to the eye shuts out the rest of the universe. Closer scrutiny leads one to the conviction that Arthur Lee constituted a threat to Benjamin Franklin's posture of genial complacency and a hazard to his carefully nurtured overall picture of successful man of affairs, while Franklin was merely one of the leading items of annoyance in a long—and notable—list of annoyances throughout Lee's career. There is no doubt that Franklin was better able to control his animosity and in controlling it, to moderate the ill effects of Lee's fury toward him. Nor is there doubt that Lee's vociferous and unrelenting castigation of his foes, Franklin included, hurt Lee himself most of all. Nevertheless, each man found his target in the other as opportunity offered itself to do so, and neither escaped without the scars of battle.

It is the purpose of this paper to trace the relationship of Benjamin Franklin and Arthur Lee from the first account of their personal acquaintance in London in 1765 and 1766, to their rivalry in representing competing land companies, through their official duties as agents of the Massachusetts House of Representatives in the first half of the 1770's, on to their activities as Commissioners in Paris during the Revolution from 1776 to 1779, and finally to the period following Lee's recall, when they held various unrelated positions of responsibility in the government. The paper will attempt to point out ways in which the relationship of Franklin and Lee influenced the affairs of
the new nation as they either worked together to bolster its well-being, or
adamantly opposed each other, sometimes with detrimental results.

Patriotism and loyalty to the American states were guiding motives in
the actions of both men, despite their serious shortcomings in attitude and
performance. They served Congress valiantly and sacrificially, albeit imper-
fectly, and Congress owed a lasting debt to each for his dedicated efforts toward
the independence and future development of the nation. Franklin’s was the major
diplomatic role, but Arthur Lee’s influence was not negligible.
CHAPTER

BACKGROUND AND EARLY ASSOCIATION

The family background and formal education of Benjamin Franklin and Arthur Lee present a study of marked contrast. Lee, who was almost thirty-five years younger than Franklin, was born December 21, 1740, at Stratford Hall, Westmoreland County, Virginia, the sixth and youngest son of a marriage that united two prominent Virginia families, his father being Thomas Lee and his mother, Hannah Ludwell Lee. The Lees were planters and merchants, and most of Arthur Lee's ancestors had been members of either the House of Burgesses or the council.¹

Young Lee received an education contrived to lead him into a professional career. After a period of instruction under a tutor, he attended Eton in England and then studied medicine at the University of Edinburgh, Scotland, from which he received his degree in 1764. During the next two years he traveled on the continent of Europe and spent some time in London. Returning to Virginia in

1766, he set up practice as a physician in Williamsburg, but remained only until 1768, when he determined on law for a profession and went back to London to study at the Inns of Court. In addition to his training in the two professional fields, he was a skilled linguist, adept in the French, Spanish, and Italian languages.²

Although an idealist in matters of governmental or diplomatic import, Lee possessed a marked tendency to be opinionated, critical, overly sensitive, and hot-tempered. Unfortunately among his family and friends there were always those who encouraged his irascible traits and publicly as well as privately championed his irate actions.

Benjamin Franklin, born in Boston on January 17, 1706, was the son of Josiah Franklin and Abiah Folger Franklin. He was his father's tenth and youngest son. The Franklins came from a line of artisans and tradesmen, and Josiah continued the tradition as a tallow chandler and soap boiler.³ Benjamin's maternal grandfather was the colonial pamphleteer Peter Folger, whose work entitled “A Looking-Glass for the Times, or the Former Spirit of New


England Revived in This Generation" strongly inveighed against restraint of religious liberty. His maternal grandmother was Mary Morrils, whom Peter Folger married after purchasing her as an indentured servant.  

Benjamin Franklin attended grammar school for almost a year, then studied writing and arithmetic at Mr. George Brownell's school. When he was ten years of age, his formal education ended. Because the boy rebelled against attempts to teach him the tallow and soap trade, threatening to run away to sea, his father apprenticed him to an older son, James, so that he might learn to be a printer. The five years he spent with James saw the inauguration of Benjamin Franklin's program of self-education which resulted ultimately in his metamorphosis into an erudite man of letters. He set about the task of acquiring polish through voluminous reading, assiduous practice in writing, and serious attention to both manners and matters of personal philosophy.  

Conflict with his brother became acute, and Franklin broke away from his apprenticeship, went first to New York and then on to Philadelphia where at the age of seventeen he continued in the printing trade as journeyman. In rapid succession there followed the experiences of a trip to London to purchase his own printing equipment, an enterprise that failed; a period spent in business

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employment as clerk, accountant, and salesman; a partnership in a printshop; and finally in 1730 when he was only twenty-four years old, he became sole proprietor of the printshop and publisher of The Pennsylvania Gazette.  

The years between 1730 and 1748 Franklin devoted to a multiplicity of affairs--business, political, literary, scientific, cultural, and civic. His retirement from the printing business in 1748 with a competence for life freed him from the limitations of financial necessity and enabled him to expend his energy from the age of forty-two onward toward the many objects of his interest and enthusiasm.  

In his various political capacities he served as clerk of the Pennsylvania Assembly between 1736 and 1751, member of the Assembly beginning in 1751, Deputy Postmaster-General for the American colonies from 1753 to 1774, the moving force in the Albany Congress of 1754, and in 1757 as representative of the Pennsylvania Assembly in London to present their case against the Penn proprietors to the British government. Franklin returned to Philadelphia in 1762, served in the Assembly, for a short time as Speaker, and again in 1765 acceded to his fellow Pennsylvanians' request that he represent them in London in the Stamp Act dispute.  

Franklin's nature inclined toward equanimity, poise, and complacency. He was able to assume an air of tolerance and even of amusement in considering

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8 Van Doren, Benjamin Franklin, pp. 100-101; and "Franklin, Benjamin," DAB, VI, 586.

9 "Franklin, Benjamin," DAB, VI, 588; and Van Doren, Benjamin Franklin, p. 123.

10 "Franklin, Benjamin," DAB, VI, 588-90.
the foibles of others. Above all, he was magnificently adaptable. His pragmatic mind looked for the solution which would work, and accepted the necessities involved in employing it.

Such were the backgrounds of the two Americans who met in London in the mid-1760's: the elegantly educated young Virginian, as yet untried in a career, and the urbane, self-made man of affairs from Pennsylvania, more than twice his age.

The first recorded association of Benjamin Franklin and Arthur Lee is from the years 1765 and 1766, when Franklin was representing the Pennsylvania Assembly in London, and Lee was prolonging his stay in Europe before returning to set up medical practice in Williamsburg. At various times during the two years, Lee attended meetings of the Royal Society of London, usually as Franklin's guest. 11 In 1753 the Society had awarded Franklin the annual Copley Medal "on account of his Curious Experiments and Observations on Electricity." In April of 1756 he became a Fellow, and in July of the same year William Watson made a motion that Franklin's name "be inserted on the Lists before his Admission and without any Fee, or other payment to the Society, And that such Name be continued in the Lists, So long as he shall continue to reside Abroad." Thereafter during the years when he was in London on colonial business, Franklin frequently attended meetings of the

Society, taking an active part. In 1761, 1766, 1767, and 1772 he served on the Council. 12

Arthur Lee shared Franklin's interest in scientific matters. He had achieved a modest honor at his graduation from the University of Edinburgh in 1764 by winning the commencement prize for his treatise on "the botanical characters and medicinal uses of Peruvian bark."13 On February 20, 1766, Franklin and six other men presented a certificate of recommendation on Lee's behalf:

Arthur Lee M. D. a Gentleman of Virginia now residing in London whom we esteem for his Learning, Ingenuity, and Knowledge in Natural Philosophy being desirous of becoming a Member of this Society, We do from our personal Knowledge beg leave to recommend him as worthy that Honour, and one who is likely to be a useful Member. 14

Franklin's name headed the list of sponsors for Lee and the paper is in his writing. 15 Moreover Franklin signed a bond for Lee's contributions and paid his admission fee. Lee assumed his own bond and contributions in 1768. Although not always punctual in paying his dues, he was active in the Society from 1769 to 1775. After the Declaration of Independence he ceased to contribute and in correspondence with the Society over his contributions, indicated in 1788 that he no longer considered himself a member. His resignation became effective immediately. 16

15Ibid., n. 131. 16Ibid., pp. 251-52.
Franklin, on the other hand, was to gratify the wishes of the Royal Society during the Revolution by ordering American cruisers to desist from interfering with Captain Cook's voyages of exploration. The Society expressed its thanks in 1784 by sending Franklin one of the medals honoring the navigator.\(^\text{17}\) Franklin and Lee were among the number of only twenty-one continental Americans in the colonial period whose names appeared on the roster of Fellows of the Royal Society.\(^\text{18}\) Records show that Franklin lent influence as sponsor to three others of the twenty-one.\(^\text{19}\)

In the years immediately following Arthur Lee's return to London in 1768 to study law at the Inns of Court, he joined in social affairs centered in the Artillery Court home of Dennys De Berdt, senior partner in the transatlantic mercantile firm of De Berdt, Burkett, and Sayre, and agent of the Massachusetts House of Representatives between 1765 and 1770.\(^\text{20}\) Others of the circle to which Lee allied himself were De Berdt's son, Dennis; his daughter, Van Doren, *Benjamin Franklin*, p. 717.


Stearns, "Colonial Fellows," pp. 249, 258–59. Those Franklin recommended in addition to Arthur Lee, were John Winthrop in 1765 and Alexander Garden in 1773.

Esther; her future husband, Joseph Reed; and Stephen Sayre, junior partner in the De Berdt firm.  

Dissension arose between Dennys De Berdt and Benjamin Franklin during the protest efforts against the Stamp Act in 1765 and 1766. De Berdt anticipated Franklin's campaign against the measure by several months, using some of the arguments Franklin later used. He rebuked the Pennsylvanian, saying Franklin "stood entirely newter till he saw which way the cause would be carried, and then broke out fiercely on the side of America." De Berdt's criticism appeared in the Pennsylvania Journal and supplement on September 18, 1766. Franklin bided his time, and in 1768 when De Berdt was in difficulty over his delay in presenting a Massachusetts petition to the King, Franklin published an "Open Letter to Dennys De Berdt." The "Open Letter" stated that the real reason De Berdt had not presented the petition was Lord Hillsborough's refusal to receive it since De Berdt was not 'a regularly appointed Agent, being authorized only by the Assembly, the Governor not having consented to your Appointment." Thus his association with the De Berdt household exposed Arthur Lee to a very real antagonism toward Benjamin Franklin.


22Sosin, Agents and Merchants, pp. 73-74; n. 13, p. 73.

In 1769 Lee joined the "Supporters of the Bill of Rights," a society composed of members of the opposition party in London. The dominant figure of the group was John Wilkes, who was to become lord mayor of London in 1774. Franklin expressed his disapproval of the Wilkesites in a letter he wrote to John Ross on May 14, 1768, referring to mobs "patrolling the streets at noonday, some knocking down all that will not roar for Wilkes and liberty. . . ." In the same letter Franklin pronounced, "But some punishment seems preparing for a people, who are ungratefully abusing the best constitution and the best King, any nation was ever blessed with, intent on nothing but luxury, licentiousness, power, places, pensions, and plunder. . . ." The historian Francis Wharton, attributed to Lee's friendship with John Wilkes not only some of his "personal idiosyncracies" but also "what may have been the first impulse to the aberration which took place between himself and Franklin as soon as they were compelled to act together." The influence of De Berdt, however, seems to be contemporary with Lee's earliest connections with Wilkes.


CHAPTER II

RIVALRY OVER THE LAND COMPANIES

Benjamin Franklin and Arthur Lee came into direct and personal opposition over the land companies they represented. The history of the western land companies entails a dreary succession of disappointments and frustrations, with an occasional bright moment of temporary approval on the part of some official or group of officials. Preliminaries to the French and Indian War and the war itself blocked western development. The Proclamation of 1763, coming as it did just when hopes for expansion could be resumed, delayed organization of new companies and plans of those already organized. Royal confirmation of company claims, the point at which tentative plan and positive action might have united, never materialized. At the end of all efforts lay complete failure, but the men who embarked so ambitiously on their schemes of expansion could not know that, so they threw themselves into the undertakings with great zeal, and pitted their energies against their rivals in vain petitions to governmental agencies from the colonial level to the Crown.

The rivalry between Benjamin Franklin and Arthur Lee had its roots in two factors. The first was inter-colonial and came from the jealousy with which Virginia watched over her vast western claims, and the cupidity of Pennsylvania as she eyed them. The second was individual and involved the various land
schemes of the Lee family and other men, principally Virginians, as opposed to similar companies which Franklin and his business associates formed. Each group made repeated attempts to secure the Crown's approval of the claims of their particular companies.

As far back as 1747, Thomas Lee and eleven of his fellow Virginians set about the formation of the Ohio Company of Virginia. From the time of its organization the Pennsylvanians viewed the Ohio Company apprehensively, considering it a threat to their own commercial and territorial expansion. On August 16, 1753, the Lord Proprietary Thomas Penn of Pennsylvania wrote to Richard Peters, provincial secretary of the colony, voicing his opinion that land which the Ohio Company of Virginia sought was within the bounds of Pennsylvania. 1

Benjamin Franklin differed with the Penns on many points, but he agreed with them on the desirability of the western domain. He had for a long time cherished ambitions of land speculation. In 1753 he became interested in purchasing lands from the Six Nations. The project gained the attention of Boston newspapers, and Franklin feared the resulting publicity might lead to French interference or competition from English speculators. He noted the lesson he had gained from the affair: "Great Designs should not be made publick till

they are ripe for Execution, lest Obstacles are thrown in the Way . . . ."²

Franklin devoted a section of the Albany Plan of 1754 to a proposal aimed at curtailing the extension of extensive western lands claimed by individual colonies and proposing instead that the Crown, or an inter-colonial agency in the name of the Crown, have sole right to buy territory from the Indians and provide government for the area. In this manner Virginia would have lost her claims and the way would have been clear for speculators. Thomas Pownall presented another of Franklin's proposals in London in the year 1756, urging the creation of two colonies north of the Ohio River. Neither of these two projects came to fruition.³

In 1763 the Ohio Company of Virginia delegated its power of representation in London to George Mercer. Hampered by lack of funds and poor communication with members of the company, discouraged because of the unresponsive attitude of the "Great Ones" of the British government, overwhelmed by more powerful and influential rivals in London, Mercer maintained his position as agent until 1770. Nearly two years passed after his arrival in London before he was able to present the first memorial for the company.⁴


³Labaree, Papers of Franklin, V, 410-12, 457-59.

In the same year the Ohio Company appointed George Mercer agent, a number of its members organized the Mississippi Company and petitioned for a grant of land amounting to 2,500,000 acres, overlapping the claims of their earlier company. Thomas Cummings was the first London agent for the Mississippi Company, and his successor was Arthur Lee who was an original member, as were his brothers William, Thomas Ludwell, Francis Lightfoot, and Richard Henry.  

Benjamin Franklin moved into active competition with the Virginians in 1766 with the formation of the Illinois Company. His associates were, among others, his son, Governor William Franklin of New Jersey, and three members of the Wharton family, Quakers of Philadelphia. William Franklin advocated the establishment of a colony between the Illinois and Mississippi Rivers and his father estimated there would be nearly 63,000,000 acres available. The elder Franklin was to be the company representative in London.

A possible danger to the future development of the Illinois Company arose when a rumor spread that the British government planned to remove the


7Abernethy, Western Lands, pp. 29-30; and Currey, Road to Revolution, p. 203.
protection of military forces from the area the company desired. Franklin and
other members began a counter-rumor that an Indian uprising threatened because
the Indians did not have power to dispose of their lands as they wished to do.
According to a predetermined plan, Franklin used a series of warning letters he
received for the purpose from correspondents in the colonies, to influence
officials against removal of troops. Wills Hill, Lord Hillsborough, president
of the Board of Trade, did not approve the Illinois Company petition, and when
he became Secretary of State for the American colonies in 1768, the company's
hopes died.

The following year, 1769, Franklin and a group of prominent men on
both sides of the Atlantic formed the Grand Ohio Company, known variously as
the Vandalia Company or the Walpole Company. Franklin, Thomas Walpole, of
the noted English family, and Samuel Wharton of Philadelphia proved to be the
dominant figures in the enterprise. They proposed to purchase from the Crown
2,400,000 acres of land obtained from the Indians in the Fort Stanwix Treaty of
1768, at the exact purchase price the Crown had paid to the Indians. The land
they sought lay south of the Ohio River and encompassed some of the area
claimed by the Ohio Company of Virginia. Franklin presented the first Grand

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8Currey, Road to Revolution, pp. 212-13. 9Ibid., pp. 211, 220.


Ohio Company petition in June of 1769. Lord Hillsborough surprisingly suggested that the company raise its request to 20,000,000 acres.  

When Arthur Lee learned of the Grand Ohio Petition he angrily wrote to Richard Henry Lee on February 15, 1770, that "the Ministry which set every thing to sale," was going to make a grant of their lands "to a company of adventurers." As agent, he promptly presented for the Mississippi Company a request for a delay in action on the Grand Ohio grant to enable him to inform his company on the matter. He received no reply to his request. It must have seemed a crowning indignity to Lee when on May 7, 1770, George Mercer, acting without authority from members of the Ohio Company of Virginia, allowed its incorporation into the Grand Ohio Company. A further letter to Richard Henry Lee reflected Arthur Lee's resentment:

I would advise you to be extremely cautious in your conduct with the new associated Company. For take my word for it, there are not a set of greater knaves under the sun. As their Scheme originated in a most villainous fraud, it has been carried on in expence [and] corruption.

The Ministry decided to consult the Virginia Council as to its opinion on

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12Van Doren, Benjamin Franklin, pp. 394–95. Mulkearn says Thomas Walpole and others petitioned the King in Council for 2,400,000 acres on July 24, 1769. Van Doren states that Franklin's petition in June was for 2,500,000 acres.

13Abernethy, Western Lands, p. 47; and Currey, Road to Revolution, p. 257.

14James, Ohio Company, p. 149.

15Currey, Road to Revolution, p. 257. Letter dated July 12, 1770.
the Grand Ohio grant. William Nelson, Council president, and acting governor following Botetourt's death, replied that there was no objection so long as there was no interference with prior rights. It was a signal misfortune for the Grand Ohio Company that an open break, occasioned by Franklin's appointment as agent of the Massachusetts House of Representatives, had occurred between Benjamin Franklin and Lord Hillsborough only a few days before Nelson's mild reply arrived. The bitterness between the two men resulted in Hillsborough's delaying action on the petition. When he finally reported it unfavorably to the Privy Council on April 15, 1772, the ensuing quarrel with the Council forced his resignation.

One of Franklin's arguments in reply to Hillsborough was that Arthur Lee and his associates (i.e., the Mississippi Company) had proposed no payment for the grant they sought, whereas the Grand Ohio Company was willing to pay the government its purchase price from the Indians. "Surely," said Franklin, "the Lords Commissioners did not mean this proposition, as one that was similar, and would apply to the case now reported upon. . . ."

The Pennsylvanian's pleasure over Hillsborough's fall from power dulled somewhat as the months passed and the Crown law officers, Alexander Weddernburn and Edward Thurlow, held up the confirmation papers of the Grand Ohio

16 Ibid., pp. 258-65.

17 Smyth, Writings of Franklin, V, 465-78.

18 Ibid., p. 501.
Company. The cause of the two officials' actions lay in a quarrel involving Franklin as agent for the Massachusetts House of Representatives, an issue which will receive consideration in a later chapter. Their dislike of Franklin was acute enough to warrant his writing a letter of resignation from the Grand Ohio Company on January 12, 1774. The resignation was apparently a ruse, for later records show that he retained two shares of the company's total of seventy-two, he was able to delegate his power of attorney in one instance, and at his request from Paris in 1778, Thomas Walpole returned the letter of resignation to him.

In April of 1774 Richard Henry Lee was still urging Arthur Lee to take advantage of any favorable opportunity to push the petition of the Mississippi Company, adding, "There is plenty of room yet for us on the north side of Ohio between that & Illinois, Wabash, the Miamis, and other waters between Illinois and Ohio. 'Tis a much finer country than any on this side Ohio." However, Arthur Lee never received official encouragement, much less sanction, for the Mississippi Company.

Just as Wedderburn and Thurlow actually completed the draft of the Grand Ohio Company charter in the spring of 1775, hostilities broke out between England and the colonies, and the ambitions of the companies so far as the

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19 Currey, Road to Revolution, pp. 370-71. 20 Ibid., pp. 333-35.

mother country was concerned, faded into the background of history, never to be realized. 22

Rivalry over the land companies drove an opening wedge between Franklin and Lee. Franklin failed in his attempts to obtain grants for the Illinois Company and the Grand Ohio Company. Lee experienced the defeat of claims of both the Ohio Company of Virginia and the Mississippi Company. Each man could attribute his failure in part to the competition of the other's ventures.

22 Currey, Road to Revolution, p. 372.
CHAPTER III

THE MASSACHUSETTS AGENCY

The London agency for the Massachusetts House of Representatives became vacant with the death of Dennys De Berdt in 1770. The House considered several possible replacements for him: Benjamin Franklin, Stephen Sayre, Joseph Reed, and William Bollan. The last-named was at the time serving as agent for the Massachusetts Council. Although Samuel Adams originally favored Stephen Sayre, he gave his support to Arthur Lee when both Sayre and Reed recommended the young Virginian. According to Adams, in his account of the election to Stephen Sayre:

I gave my Suffrage with about a third part of the House for Dr Lee—but Dr Franklin being personally known to many of the members had the preference—both the Gentlemen were highly spoken of in the House & afterwards Dr Lee was appointed to the Trust, by a very full vote in Case of the Death or absence of Dr Franklin.

The Reverend Samuel Cooper used his influence on Franklin's behalf. His version of the election included some additional information:

I have now to inform you that the House have chosen Dr Franklin for their own Agent for one year only. From the Influence of the councils and from

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1Sosin, Agents and Merchants, pp. 149-50.

various particular connections of their own they were much divided. . . .
The following Week they chose Dr Lee, to act in case of Dr Franklin's
Sickness or Detention f'mBusiness. . . .

Prior to the vote of the House, Cooper judiciously had displayed a recent
letter from Franklin setting forth his views succinctly on "the constitutional
relationship between the colonies and Great Britain." Franklin first deemed
unconstitutional the placing of a standing army in the colonies without consent
of colonial legislatures. He then proceeded to the thesis that Parliament had
usurped the equal rights and liberties of the colonies in making laws for them.
He protested the use of such terms as "the Supreme Authority of Parliament,
" claiming that the only connection between Parliament and colonies was the
common sovereign. Franklin argued against Parliamentary encroachment on
the rights of the King. He urged the colonies to be loyal to the monarch as "sole
Legislator of his American Subjects" in order to escape the tyranny of a corrupt
Parliament.

This radical doctrine won the agency for Franklin since it coincided with
the convictions of the Whig majority in the Massachusetts House. Samuel
Adams' espousal of Arthur Lee's candidacy began a friendship which was to grow
and expand in influence, drawing relatives and friends into its sphere, until it

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3"Letters of Samuel Cooper to Thomas Pownall, 1769-1777," American
Historical Review, VIII (January, 1903), 322. Letter dated October 12 and
November 5, 1770.

4Sosin, Agents and Merchants, p. 150.

5Smyth, Writings of Franklin, V, 259-61. 6Ibid., p. 149.
became the noted Adams-Lee coalition in the Continental Congress during the Revolutionary War, a combination that frequently challenged and opposed Franklin.

When Franklin attempted to present to Lord Hillsborough, Secretary of State for the American colonies, the official papers signifying his appointment as agent of the Massachusetts House of Representatives and those of Arthur Lee as assistant, his earlier twitting of De Berdt in the "Open Letter to Dennys De Berdt" must have come to his mind. Hillsborough's reply was the same to Franklin as it had been to De Berdt: The Massachusetts House did not possess power to appoint a unilateral representative. 7 Hillsborough was standing on official ground, since Governor Thomas Hutchinson of Massachusetts had refused to recognize such an appointment and had secured from the Privy Council an order prohibiting him from recognizing one. 8 Franklin withdrew after a telling remark, "It is, I believe, of no great importance whether the appointment is acknowledged or not, for I have not the least conception that an agent can at present be of any use to any of the colonies." 9

Franklin spoke from wide experience in thus describing the limitations of an agent's usefulness in representing a colony. Since 1757, except the two years he spent in Philadelphia, he had been London agent for the Pennsylvania Assembly. In 1768 Georgia requested him to represent her interests, and in

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7Van Doren, Benjamin Franklin, pp. 383-87.
8Sosin, Agents and Merchants, p. 152.
9Smyth, Writings of Franklin, V, 304.
1769 New Jersey added the honor of her agency to his responsibilities. The Massachusetts position gave him his fourth colonial representation. 10

The income involved was one motivating factor in the desire for agencies. Until 1772 Pennsylvania designated £500 annually for Franklin, and after that, £800. Virginia paid Edward Montagu £500 per year. Massachusetts did not do as well. After 1770 Governor Hutchinson vetoed the appropriations which the Massachusetts Assembly made and Franklin did not receive his proposed income of £300. Major outlays for necessary expenditures he charged to the colony's account. 11

The advantages of prestige at home and in England caused men to seek an agency, as did the opportunity for contact with important governmental officials, barristers, and merchants. Arthur Lee's ambition for a post was primarily so that he might use it as a means of gaining a parliamentary seat.

He and Stephen Sayre had served as unofficial assistants to their elderly friend Dennys De Berdt, and the experience contributed to Lee's eagerness for a position of his own.

He frequently remonstrated with Richard Henry Lee because the Virginia agency remained vacant after Edward Montagu's dismissal in 1770. 12 In a


11 Kammen, Rope of Sand, pp. 177-78.

12 Ibid., pp. 129, 139-40.
letter of July 10, 1771, to George Washington, Lee requested Washington's vote and influence as he understood Virginia might revive her agency. He presented his case by saying, "The desire of serving my immediate Country in so respectable a character, is I think a laudable ambition; and if an entire devotion to her interests, be a sufficient recommendation, I can plead it with truth." Virginia never replaced Montagu. It is reasonable to suppose that, eager as Lee was for an agency, yet denied one, he looked enviously at Franklin's four agencies.

Shortly after he received word of his election as assistant agent to Franklin, Arthur Lee wrote two letters to Samuel Adams of Massachusetts. The first, presumably for public dissemination, he wrote on January 10, 1771, in answer to Adams' request that they open a correspondence. It was an exposition of radical logic and abounded in high-flown rhetoric referring to "the present state of politics, so very alarming to public liberty"; "the foes of liberty and virtue... conspiring together manifestly to subvert the constitution"; the enemies' "strengthening the hands of oppression with you." Perhaps the most significant idea in his communication was a suggestion "to establish a correspondence among the leading men of each province, that you might harmonize in any future measure for the general good in the several assemblies."  

14Kammen, Rope of Sand, p. 140.  
The other letter, written six months later, was a violent attack on Benjamin Franklin. Stirred to anger because Franklin had discounted as of no imminent danger a reported plan on the part of the Ministry to change the mode of electing the Massachusetts Council, Lee wrote:

I have read lately in your papers an assurance from Dr. Franklin that all designs against the charter of the colony are laid aside. This is just what I expected from him; and if it be true, the Dr. is not the dupe but the instrument of Lord Hillsborough's treachery. That Lord Hillsborough gives out this assurance is certain, but notorious as he is for ill faith and fraud, his duplicity would not impose on one possessed of half Dr. F.'s sagacity.  

Then Lee continued, setting forth what he believed to be Franklin's reasons for denying the threat to Massachusetts' constitutional government:

The possession of a profitable office at will, the having a son in a high post, at pleasure, the grand purpose of his residence here being to effect a change in the government of Pennsylvania, for which administration must be cultivated and courted, are circumstances which, joined with the temporizing conduct he has always held in American affairs, preclude every rational hope that in an open contest between an oppressive administration and a free people, Dr. F. can be a faithful advocate for the latter; or oppose and expose the former with a spirit and integrity which alone can in times like these, be of any service.

Lee followed his excoriation of Franklin with protestations of the disagreeableness of the duty of so expressing himself, and the unselfishness of his own motives in serving the colony. He later explained in his memoirs that he felt Franklin "had attempted to lull the province to sleep by assuring them they had nothing to fear. . . ."  

\[17\] Ibid., p. 217.  
\[18\] Ibid., p. 218.  
\[19\] Ibid., p. 257.
When Franklin made a two-months tour of the British Isles in 1771, he betrayed his mistrust of Lee by leaving agency affairs to the management of his grand-nephew, Jonathan Williams, Jr. The slight gave Lee added cause for resentment against his superior.

Lee's criticisms contributed to a censure of Franklin by the House of Representatives for neglect of its business. The agent indicated that he was aware of his younger colleague's attacks. He remarked,

This Censure, tho' grievous, does not so much surprize me, as I apprehended from the Beginning, that between the Friends of an old Agent, my Predecessor, who thought himself hardly us'd in his Dismission, and those of a young one impatient for the Succession, my situation was not likely to be a very comfortable one, as my Faults could scarce pass unobserved.

Franklin's hints that he might momentarily embark for Philadelphia, leaving the agency to Lee, kept the associate in a state of anxious anticipation, and steadily mounting annoyance. In a series of letters to Thomas Cushing, Speaker of the Massachusetts House in February of 1771, April of 1772, and July of 1773, Franklin wrote, much to the same effect in each case, that he was thinking of leaving England soon and would put into Arthur Lee's hands all papers relating to Massachusetts affairs. He suggested in the last of the three letters that he would assist Lee with his counsel while he stayed, "where there may be

20Kammen, Rope of Sand, p. 149.

21Smyth, Writings of Franklin, VI, 85. Letter to Thomas Cushing dated July 7, 1773. William Bollan was apparently the living predecessor who had been dismissed, according to information by Marguerite Appleton, "The Agents of the New England Colonies in the Revolutionary Period," New England Quarterly, VI (June, 1933), 373. Arthur Lee was the impatient young one.
any Occasion for it. " The letter of April, 1772, expressed unhappiness over requirements of the British government for admitting colonial agents [i.e., insisting on their approval by Governor, Council, and House of Representatives]. Although offering to turn the Massachusetts agency over to Lee, Franklin remarked, "I should think. . . . we should omit sending any agent, and leave the crown, when it wants our aids, or would transact business with us, to send its minister to the colonies." Had his suggestion prevailed, Lee would have lost the opportunity to succeed him.

As Franklin's stay in England lengthened into years, Lee's exasperation burst forth in bitter complaint to Samuel Adams, "Dr. Franklin frequently assures me that he shall sail for Philadelphia in a few weeks; but I believe he will not quit us till he is gathered to his fathers." His unbridled impatience over Franklin's delay in leaving the agency to him resulted in a constant readiness to criticize the older man's actions or impugn his motives. One example was his accusation that Franklin was assuming a more lofty attitude than his position justified. Lee related that along with some information pertaining to the Massachusetts House of Representatives, Franklin stated to William Legge, Earl of Dartmouth, Secretary of State for the Colonies,

And it is said that having lately discovered, as they [the Massachusetts House] think, the authors of their grievances to be some of their own people

22 Smyth, Writings of Franklin, V, 294, 392; VI, 85.

[referring to Governor Thomas Hutchinson and Lieutenant-Governor Andrew Oliver of Massachusetts], their resentment against Great Britain is thence much abated.24

Lee argued that "the resentment of a province against Great Britain, was a tone somewhat higher than is commonly assumed by even the mightiest monarch to the smallest state." He concluded that Franklin felt the Ministry was at his feet. 25

Then in contrast to the unpleasantness generated by Lee's carping complaints and Franklin's impervious disdain, a situation arose which proved to be the high-water mark of cooperative effort in the Franklin-Lee relationship. The Hutchinson affair began when the Crown assumed payment of Governor Hutchinson's salary and in so doing removed the fiscal leverage the Massachusetts Assembly had formerly held over the Governor. The House sent a remonstrance which Franklin presented to Dartmouth, who in turn requested a delay in broaching it to King and Parliament to allow time for irritations "on both Sides the Water" to cool. 26

On December 2, 1772, Franklin reported this exchange in his official communication to Thomas Cushing and included six letters written from 1767 to 1769 by Governor Hutchinson and Lieutenant-Governor Oliver. A person whose identity Franklin never divulged had placed the letters in the hands of the Massachusetts agent to prove the "Grievances we complain'd of, took their Rise, not

24bid., p. 270. 25bid.

26Smyth, Writings of Franklin, V, 448–51.
from Government here, but were projected, proposed to Administration, solicited, and obtained by some of the most respectable among the Americans themselves, as necessary Measures for the welfare of that Country. "27

In one letter Hutchinson expressed the conviction that "there must be an abridgement of what are called English liberties," and in another Oliver advocated that officers of the Crown be made "in some measure independent" of control by the Assembly. There was mention of the possible use of armed force to control the colony. 28

Although in sending the letters to Massachusetts Franklin stipulated that the House should not publish them, that body failed to respect his wishes. 29

Eventually, in June of 1773, Samuel Adams sent the packet back to Arthur Lee in London. 30 The furor which resulted in Massachusetts over the publication of the letters led the House to petition the Crown to remove Hutchinson and Oliver from their respective offices. It was Franklin's responsibility to transmit the petition and defend it, and the Massachusetts House asked him to employ Arthur Lee as counsel. 31 Franklin notified Lee of that fact, 32 but since Lee did not gain admission to the English bar until 1775, he was not qualified to serve. 33

27 Ibid., VI, 262-63.

28 Van Doren, Benjamin Franklin, pp. 444-45. 29 Ibid., p. 450.

30 James Parton, Life and Times of Benjamin Franklin (2 vols.; New York: Mason Brothers, 1864), I, 596.

31 Smyth, Writings of Franklin, VI, 114. 32 Ibid.

Franklin delivered the petition to Dartmouth in August of 1773, and the Privy Council agreed to consider it on January 11, 1774. Franklin sent messages to Lee's lodgings twice and went himself once to request consultation with him before the hearing, but Lee was away at Bath and seems to have been absent from the Cockpit at the first hearing. Franklin delayed retaining a solicitor until he could consult Lee in the matter. When the younger man returned to London, Franklin recorded that he "entered heartily into the business." Franklin invited him to meet with the solicitor on whom they had agreed, and introduced Lee "as my friend and successor in the agency."34

The Lords Committee for Plantation Affairs then sat for the second hearing of the Massachusetts petition for the removal of Hutchinson and Oliver on January 29, 1774.35 It was a most inopportune time, for news of the dumping of the tea in Boston harbor had just reached London, and an agent of Massachusetts could hardly have a sympathetic reception.36

Alexander Wedderburn, Solicitor General, blamed Franklin's influence for the unsettled condition in Massachusetts, and when he rose to speak, he indicted Franklin in a searing attack, maintaining that far from being a tool of the Massachusetts House, he was in reality its prime mover. The committee severely censured Franklin, the petition, and the petitioners, and rejected the

34 Smyth, Writings of Franklin, VI, 114, 182-88.
35 Currey, Road to Revolution, p. 328.
appeal as "founded upon resolutions formed upon false and erroneous allegations. . . ." The Privy Council accepted the committee's findings and it, too, rejected the petition. 37 The day following the petition hearing, Franklin received notice that "his Majesty's postmaster-general found it necessary to dismiss" him from the office of deputy postmaster-general in North America. 38

Franklin's appearance in the Cockpit before the committee of the Privy Council wrung from the usually critical Lee one letter of unmitigated admiration. Writing to Samuel Adams, to whom he privately might have expressed adverse comments, he said:

"I informed you in my last of the insolent abuse which the solicitor-general, Mr. Wedderburne, poured forth against Dr. Franklin before the privy council at the hearing of your petition. Dr. Franklin bore it all with a firmness and equanimity which conscious integrity alone can inspire. 39

He added, "I mentioned that they threatened to take away Dr. Franklin's place. That threat they have now executed. The same cause which renders him obnoxious to them, must endear him to you. And he berated the Ministry for its "violent and ungrateful treatment" of the man "whose wisdom and industry alone" had fostered the postal service of the colonies. 40 Lee's support apparently produced some reciprocal feeling on Franklin's part, for in 1774 the Pennsylvanian allowed his colleague to informally take over the business of his New Jersey agency. 41

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37 Currey, Road to Revolution, p. 332.
40 Ibid. 41 Kammen, Rope of Sand, p. 135, n. 29.
The sixty-eight year old Franklin resigned his post as agent for Massachusetts after his public humiliation by Wedderburn, later stating "it was not possible for me to act longer as your agent, apprehending I could as such be of no further use to the province." He conceded that he had nevertheless continued to give what assistance he could "as a private man." 42 The reason Franklin found it necessary to continue his assistance was that at the moment when Lee should have been available to take over the long-awaited agency, he left on an extended journey to France and Italy, so for a while Franklin kept the affairs of Massachusetts under surveillance. 43

An entry that Governor Thomas Hutchinson made in his diary possibly clarifies the matter of Lee's puzzling departure at such a crucial time. Paul Wentworth had called on Hutchinson and given a long account of his acquaintance with Arthur Lee. He told of persuading Lee to go abroad and of loaning him £300 for the purpose. 44 Wentworth was at the time agent for New Hampshire, but he had "warmly advocated Thomas Hutchinson's cause" and presented "a hostile version of colonial conditions." 45

The agents had suffered rebuff from the British government in representing individual colonies. But "if they were unable to preserve harmonious

42 Smyth, Writings of Franklin, VI, 224. Letter to Thomas Cushing, dated April 2, 1774.
43 Ibid., p. 232; and Lee, Arthur Lee, I, 262.
44 Wharton, Diplomatic Correspondence, I, 518. Entry of April 27, 1775.
45 Kammen, Rope of Sand, pp. 282-83, 286.
relations between the colonies and the mother country, it was, to quote Franklin, because they hoped to hinder the 'sun's setting.' 

The next phase of their service would see its extension to the colonies collectively.

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CHAPTER IV

REPRESENTATIVES OF THE EMERGING NATION

Resistance to Parliamentary acts designed to chastise Boston particularly and Massachusetts in general, lifted the colonial agents out of the limitations imposed by representation of individual colonies and into the wider field of service to the intercolonial body of the Continental Congress. According to Douglas Southall Freeman, the two best contemporary accounts of the Boston Tea Party went to Benjamin Franklin and Arthur Lee in London. Samuel Cooper was author of the one Franklin received, and John Scollay wrote the account to Lee.  

Franklin disapproved the dumping of the tea, remarking on its "carrying Matters to such Extremity, as, in a Dispute about Publick Rights, to destroy private Property," and he considered it "a violent Injustice on our part." He wrote to Cushing on March 22, 1774, that he hoped the Massachusetts Assembly had considered the matter of the tea by then and had proposed satisfaction, if not already made it, in order to remove "prejudice now entertained against us." Lee agreed with Franklin, and went so far as to draw up a remonstrance

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3Van Doren, Benjamin Franklin, p. 482.
against the destruction of the tea and send it to Parliament. In doing this he
acted for a group of Americans living in London. Franklin informed Cushing
that he joined in the remonstrance, which he said was "ably drawn."5

It is obvious that various aspects of the relationship of Franklin and Lee
indicated cooperative attitudes. Certainly the two agents displayed outward
unanimity of purpose in carrying on the work, first, of the Massachusetts House
of Representatives, and later, of the cause of the rebellious colonists. In an
official communication to Cushing, Franklin commented that Lee was "a Gentle-
man of Parts and Ability; and tho' he cannot excel me in sincere Zeal for the
Interest and Prosperity of the Province, his Youth will easily enable him to
serve it with more Activity."6 Lee's letter of sympathetic praise following the
Wedderburn attack illustrated the occasional relenting of his critical nature.

Both men believed that England was guilty of a conspiracy of oppression
against the colonies; that the King was the common bond between colonies and
mother country, thus petitions should be to the Crown, not to Parliament; that
the British government was corrupt past redemption; and that the system of
dual legislation for the colonies by bodies three thousand miles apart could not
endure. They agreed that the use of the press was one of their most potent
weapons on behalf of their constituents, and they both employed its services


5Smyth, Writings of Franklin, VI, 224.

6Ibid., p. 85.
widely. Their most cohesive efforts came as a result of outside attack, when mutual action was obligatory.

Each could sympathize with the other because of the careless manner in which Massachusetts treated their correspondence. Communications to Thomas Cushing, intended only for his perusal, or that of a guarded few, found their way into Governor Thomas Hutchinson's hands and thence to Lord Dartmouth in England, leading Dartmouth to seek authentication of the "scandalous" documents as a basis for official proceedings against Franklin and Lee. Franklin directed a firm protest to Cushing, saying:

It is extreamly embarassing to an Agent to write Letters concerning his Transactions with Ministers, which Letters he knows are to be read in the House, where there may be Governor's Spies, who carry away Parts. or perhaps take Copies, that are echo'd back hither privately. ... It is impossible to write freely in such Circumstances. ..."  

Both men had made minor contributions to the production of patriotic songs, Lee having written a few lines for John Dickinson's Liberty Song, the most noted of the pre-Revolutionary ballads, and Franklin having been sole author of lyrics for one ballad. Their greatest literary effort, however, went into propaganda articles and pamphlets with which they hoped to stir up sympathetic British public reaction to governmental colonial policies. In 1768 Rind's Virginia Gazette published Lee's "Monitor's Letters," a series of ten articles

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7Kammen, Rope of Sand, p. 179.

8Smyth, Writings of Franklin, VI, 83.

9Schlesinger, Prelude to Independence, p. 37.
imitating the style of Dickinson's "Letters of a Pennsylvania Farmer." Other newspapers reprinted the series. Lee assayed another imitation in his twenty-four "Junius Americanus Letters," applying to "British actions towards America the same style of invective which [the British] Junius applied to British affairs." These appeared in 1769 and 1770 in the English papers, the Gazeteer and the Public Advertiser. They attacked Lord Hillsborough and Governor Francis Bernard of Massachusetts, criticized the Townshend Acts, and urged the people of England to join the colonists in protest over the oppressive acts. Philip Davidson has said of the letters Franklin and Lee sent back to this country for circulation in the newspapers, that they were unhampered by truth and in them rumor abounded.

In 1774, according to Franklin's account, he suggested the idea of the pamphlet and furnished the materials Arthur Lee used to write A True State of the Proceedings in the Parliament of Great Britain, and in the Province of Massachusetts Bay. Lee later indignantly noted, without reference to


11 Wharton, Diplomatic Correspondence, I, 518.

12 Kammen, Rope of Sand, p. 207.


14 Propaganda, p. 239.

15 Smyth, Writings of Franklin, VI, 232.
Franklin's assistance in providing material for the paper, that its authorship had "been attributed to Dr. Franklin because it was left with him, as agent to have it printed." The cost of printing appeared on the Massachusetts account. Franklin also encouraged Lee to write his most successful pamphlet, The Appeal to the Justice and Interests of the People of Great Britain, ostensibly by a Member of Parliament, which went through five editions. The supervision of its printing he gave to his brother, William Lee, in London. In 1775 he wrote a Second Appeal.

Lee's other best-known works between 1769 and 1775 were Observations on the Review of the Controversy between Great Britain and Her Colonies, The Political Detection: Or, the Treachery and Tyranny of Administration, Both at Home and Abroad, and A Speech Intended to Have Been Delivered in the House of Commons, in Support of the Petition from the General Congress at Philadelphia. According to Governor Hutchinson, Paul Wentworth told him "of his endeavor to stop him [Lee] from further writing."

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17 Kammen, Rope of Sand, p. 212.
21 Wharton, Diplomatic Correspondence, I, 518.
Franklin's facile pen produced a variety of writings. The Public Advertiser printed a number of his political fables in 1770, along with eleven "Colonist's Advocate" letters. For the next two years he wrote little for publication, but in 1773 he wrote, again for the Public Advertiser, two excellent satires: "Rules for Reducing a Great Empire to a Small One" and "An Edict by the King of Prussia." His Tract Relative to the Affairs of Hutchinson's Letters, although written soon after the bitter experience of the Cockpit, was not published until after Franklin's death. The Intended Speech for the Opening of the First Session of the Present Parliament of November, 1774, he apparently considered too harsh to print, although he may have allowed friends to read it. Then in December of 1774, at the request of some English acquaintances, Franklin set down his Hints for Conversation upon the Subject of the Terms That Might Probably Produce a Durable Union between Great Britain and the Colonies. Several influential men saw the suggestions he propounded, but there was no constructive action toward accommodating them.

Throughout the period of growing unrest Franklin and Lee united in the belief that the economic pressure of nonimportation agreements would force

22Kammen, Rope of Sand, p. 209.


24Van Doren, Benjamin Franklin, p. 476.

England to meet colonial demands. The method lost its effectiveness after 1770 because of the development of new markets by British merchants and the failure of the colonists to abide by the boycotts. The two agents were unwilling to abandon the use of economic sanctions and their continuing counsel to that effect brought frustration rather than relief to their clients.

Both men urged a general congress for the colonies. Franklin's hopes for an intercolonial organization went back to his Albany Plan of Union of 1754. When he learned that Virginia had appointed the first Committee of Correspondence in March of 1773 and had recommended a like procedure to other colonies, Franklin wrote to Thomas Cushing:

"It is natural to suppose as you do, that, if the Oppressions continue, a Congress may grow out of that Correspondence. Nothing would more alarm our Ministers; but if the Colonies agree to hold a Congress, I do not see how it can be prevented."

In a letter to Francis Lightfoot Lee on April 2, 1774, Arthur Lee stated, "In my opinion, there ought to be a general congress of the colonies; and I think Annapolis would be the place, where it would be less liable to military interruptions, than at New York or Philadelphia."

One is tempted to speculate as to whether Lee rejected Philadelphia as a possible meeting place for a congress in the fear that Franklin might derive pleasure from such an eventuality.

27Sosin, Agents and Merchants, pp. 122, 138, 190-91, 221, 225; and Kammen, Rope of Sand, pp. 185-86.

28Kammen, Rope of Sand, p. 316.

29Smyth, Writings of Franklin, VI, 83.

Richard Henry Lee carried forward the idea of a congress in correspondence with Samuel Adams on June 23, 1774. "Do you not think Sir, that the first most essential step for our Assembly will be an invitation to a general congress as speedily as the Nature of the thing will admit, in order that our plan may be unanimous, and therefore effectual?" 31

Although all of the British measures enacted with the intent of punishing recalcitrant Massachusetts caused bitter resentment, it was the imminent closing of Boston Harbor, set for the first of June, 1774, under the Boston Port Bill, that crystallized colonial resistance and led to the First Continental Congress. The Congress convened in Philadelphia on September 5, but it was not until October 25 that they approved a petition to the King. 32 The petition clung to the idea that the King was the connecting link between England and the colonies. It implored the sovereign to use his royal authority in interposition for their relief and to reject the counsel of those "designing and dangerous men" who would come "between your royal person and your faithful subjects." 33

The address of grievances reached Franklin on December 18, with the request from Congress that he and all of the colonial agents present it on their

31 Ballagh, Letters of Richard Henry Lee. I, 112-13. The Assembly to which Richard Henry Lee refers was assumedly that of Virginia, due to meet on the eleventh of August.


33 Ibid., p. 60.
behalf and publicize it in the press. Moreover Congress wished their memorial to circulate in the trading and manufacturing towns of the United Kingdom.

Richard Henry Lee drafted the letter of instructions to the agents and he named them specifically: "To Paul Wentworth, Doct. Franklin, Wm Bollan, Arthur Lee, Thos. Life, Edm[d]. Burke, Charles Garth." The memorandum which Charles Thomson, Secretary of the Congress, addressed to the agents warned "It is not a little faction but the whole of American freeholders from Nova Scotia to Georgia that now complain & apply for redress," and the gauntlet was thrown down with the threat that the colonists would "resist rather than submit."

On receipt of the petition Franklin immediately called a meeting of the agents to consider the request of Congress. Burke, Wentworth, and Life declined to attend on the grounds that they had not received instructions from their constituents; Garth, who soon was to oppose the American position openly, was not in London at the time. It should be noted that Burke and Garth were Members of Parliament as well as colonial agents. Only the three Massachusetts agents, Bollan for the Council, and Franklin and Lee for the House, were


willing to do the bidding of the First Continental Congress. At that precise point they moved into the wider realm of representation of the combined colonies.

Franklin, Bollan, and Lee presented the petition through Lord Dartmouth, Secretary of State for the American colonies. The reply was that the King, rather than acting on the matter himself, would send the petition to Parliament at its next sitting. Then Arthur Lee attempted another strategy and went to the country where the Earl of Chatham was staying, to lay the address in his hands. This was a move of doubtful wisdom since Chatham was a member of the opposition and could not possibly determine the decisions of the Ministry. On February 5, 1775, Franklin informed Charles Thomson concerning the petition, "I do not find that it has had any further notice taken of it as yet." In the meantime Lee deluded himself with false hopes "that lords North and Dartmouth are to give place to lords Gower and Hillsborough, who are to commence their administration with these conciliatory measures, " the repeal of all "pernicious" acts "except the declaratory and admiralty act."

In mid-February Franklin drew up a final "Petition and Memorial of

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36 Sosin, Agents and Merchants, pp. 177, 194-95; and Smyth, Writings of Franklin, VI, 303.
37 Smyth, Writings of Franklin, VI, 303-304.
38 Lee, Arthur Lee, I, 212. 39 Smyth, Writings of Franklin, VI, 304.
W. Bollan, B. Franklin, and Arthur Lee, "praying the King to send a representation to confer with the agents in order to 'acquaint themselves fully with the true Grievances of the Colonies, and settle the Means of composing all Dissensions, such Means to be afterwards ratify'd by your Majesty, if found just and suitable. . . ." About the same time Franklin conceded to a few influential merchants and persons close to Dartmouth who were attempting to mediate between himself and the Ministry that he was willing to take the authority of paying for the tea destroyed at Boston, there being insufficient time to contact Massachusetts for approval. He nevertheless maintained the necessity for the immediate repeal of all of the Massachusetts acts. Lord Hyde, who was closely associated with the North Ministry, although not a member of it, proposed to pay the arrears in Franklin's salary for the Massachusetts agency, a bribe Franklin declared would destroy his usefulness if he accepted it. After a number of conferences with various officials and go-betweens, finding the government adamant, the Pennsylvanian concluded that, limited as he was by the strictures of his instructions from Congress, he could do no more. According to a later account he gave, the final message of two of the mediators to their friends in America was, "Nothing could secure the Privileges of America, but a firm, sober Adherence to the Terms of the Association made at the Congress, and that the Salvation of English Liberty depended now on the Perseverance and Virtue of America."
At the end of February, 1775, Benjamin Franklin learned of the death of his wife in Philadelphia, and determined that he would leave for America as soon as he could get his business in order. 43 On March 19, without personally seeing Arthur Lee to bid him farewell, he penned a note of regret that he had not been able to meet with Lee and Bollan to converse "a little more on our affairs." He sent all of his Massachusetts papers to Lee with the remark, "I may possibly return again in autumn, but you will if you think fit, continue henceforth the agent for Massachusetts, an office which I cannot again undertake." The closing of the letter lacked the usual formality of lengthy complimentary address, saying simply, "I wish you all happiness and am ever, yours affectionately, B. Franklin." 44 He departed the following day, and the agency at last belonged to Lee.

In April Lee volunteered an endorsement of Franklin in a letter to Ralph Izard of South Carolina: "Everything depends on the wisdom, firmness, and unanimity" of the Congress, where Benjamin Franklin would furnish "every profession and every incentive to do right." 45 That same month Paul Wentworth stated to Thomas Hutchinson that as an intended bribe Arthur Lee had received assurance of the "Ministry's countenance or at least their connivance" in securing the post of London Recorder on the death of the incumbent, but that

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43 Van Doren, Benjamin Franklin, p. 517.


45 Sosin, Agents and Merchants, p. 223.
Lee refused the offer. Among the Lee papers at the University of Virginia is Dartmouth's invitation to Lee to call on him one Sunday in April. 46

Then in July, 1775, Lee wrote to Franklin in Philadelphia, "Happily America is capable of working her own salvation, or the influence of corruption & dissipation here would render her escape from the hand of Tyranny doubtful." Michael G. Kammen avers that such opinions coming from England to the colonies "intensified a sense of separateness that comprised part of the rapidly growing colonial patriotism." 47

Richard Penn reached London in August as the special emissary from the Continental Congress, bringing the so-called Olive Branch Petition. Again Congress requested the remaining agents to present the plea, but only Lee went with Penn to wait on Lord Dartmouth. Dartmouth informed them there would be no answer, whereupon the two Americans arranged for the petition to be printed in the public papers with the accompanying notice:

The following is a true copy of the petition from the general congress in America to his majesty, which we delivered to Lord Dartmouth the 1st of this month, and to which his lordship said no answer would be given.

Signed, ARTHUR LEE
RICHARD PENN

Sept. 4th, 1775 48

46 Ibid., p. 222; and n. 52, p. 222.
47 Rope of Sand, p. 317.
Lee's career was now to take a new direction, and Franklin would serve as a contributing factor in the transition. When Franklin returned to Philadelphia on May 5, 1775, the engagements at Lexington and Concord had already marked the beginning of hostilities between colonies and mother country. The day after Franklin's arrival, the Pennsylvania Assembly chose him to be one of its deputies to the Continental Congress. On November 29 the Congress initiated the embryonic form of the present State Department in creating the Committee of Secret Correspondence "for the sole purpose of Corresponding with our friends in Great Britain, Ireland, and other parts of the world." Franklin was one of the committee's five original members. The next day the Continental Congress officially issued its first diplomatic instruction in an unsigned draft to Arthur Lee.

On December 12, in a communication written by Franklin and signed by Franklin, John Dickinson, and John Jay, the Secret Committee transmitted to Lee "sundry printed papers, that such as you think proper may be immediately published in England." It further requested, "It would be agreeable to congress to know the disposition of foreign powers towards us, and we hope this object

49 Van Doren, Benjamin Franklin, p. 523.


will engage your attention." The Committee urged "great circumspection and impenetrable secrecy" and offered to compensate Lee for his "trouble and expense." They remitted £200 "for the present." At about the same time Franklin wrote a similar request to Charles W. F. Dumas, an old friend who was a resident at the Hague, asking him to report what he could learn of "the disposition of the several courts with respect to assistance or alliance, if we should apply for the one, or propose the other."

Even prior to his instructions from the Secret Committee, Lee had embarked upon a diplomatic enterprise. Pierre-Augustin Caron de Beaumarchais went to London on a secret mission from the French court, attended "certain convivial assemblages presided over by John Wilkes" and met Arthur Lee. Under Lee's influence Beaumarchais became an ardent advocate of French aid for the British colonies. The Frenchman wrote a series of reports and memorials to Louis XVI and his Minister of Foreign Affairs, Charles Gravier, Comte de Vergennes, pointing out the advantages of secret aid, and culminating in the noted Peace or War memoir of February 29, 1776. Beaumarchais warned that should France refuse powder and munitions, the


53Smyth, Writings of Franklin, VI, 434.

54Wharton, Diplomatic Correspondence, I, 519.

55Claud H. Van Tyne, "French Aid before the Alliance of 1778," American Historical Review, XXXI (October, 1925), 38.
Americans might turn back to England, and in combination with the mother country seize the French islands of the West Indies. 56

The argument may have played a less important role in the decision of Louis than his desire for the enfeeblement of England, but the French monarch directed on May 2, 1776, that one million livres be supplied in the form of munitions, with Beaumarchais to arrange their delivery. 57 In 1761 France and Spain had signed the Family Compact, establishing forever a solemn monument of reciprocal interests on the principle of mutual assistance in case of attack. 58 Now Charles III of Spain agreed to match the million livres of France in supplies to the colonies. To implement delivery Beaumarchais set up the fictitious firm of Roderigue Hortalez and Company. Goods would go to West Indies ports where authorized agents of the Continental Congress might apply to governors or commandants to obtain them. 59 During the first two and a half years of the Revolution, ninety per cent of the powder the colonists used came by means of Hortalez and Company. 60

The puzzling Colden letters from London, dated February 13, February 14, and April 15, 1776, complicate the relationship between Franklin and Lee.

56Bemis, Diplomacy of the Revolution, pp. 21-26. 57Ibid., p. 27.


The British had captured George Merchant in the attack General Benedict Arnold led on Quebec, had taken Merchant prisoner to England, then returned him to Halifax, Nova Scotia. He escaped and delivered to Captain John Langdon a packet of letters he had concealed in the waistband of his breeches. Among the communications Langdon found two letters and a covering note that accompanied the first. He decided that General Washington should see them, so he relayed them to the general. 61

Although the letters were ostensibly to Lieutenant-Governor Cadwallader Colden of New York, for they were inscribed to him at the end of each, it was more than reasonable to suppose the Colden inscription a ruse, since the Lieutenant-Governor was a royalist. In a letter to Richard Henry Lee, Washington referred to one of the letters as directed to Lee and the other to Franklin, and said he assumed they were from Arthur Lee. Washington also commented, "There are some things in each which may serve to irritate." He sent Richard Henry Lee the one directed to him as well as a copy of the one to Franklin, and he forwarded to Franklin the original directed to him. 62

The letters, written in a feigned hand, contained military intelligence on the whole, but also included the remarks Washington concluded might irritate. One of these was: "The New England men are fittest to be trusted in any

61Wharton, Diplomatic Correspondence, II, 75; and Freeman, George Washington, IV, 98.

62Force, American Archives: Fourth Series, IV, 1125-28; and Wharton, Diplomatic Correspondence, II, 71-77.
dangerous enterprise"; another, "... of the five [the Secret Committee], two
men of whom I have more diffidence than of any others, I had almost said thro'
the whole continent; that I may be explicit, the second and last are men whom I
can not trust." On the roster of the Committee, the second and last were
Franklin and Jay. The letter continued, "If I am to commit myself into an
unreserved correspondence, they must be left out, and the Ls. or the As. put
into their places." There was a reference to the attachment of the recipient of
this first letter "to the country you have adopted." Following a recommendation
of a general the writer described as scarcely equaled in experience, intelligence,
and valor, was the information that the general would go over from France if
he could keep his rank and serve under an American suitable to be his superior.
This was possibly a slur against Washington.

The second letter repeated the warning against the second and last of the
Committee members, and took a rather dictatorial tone of surprise that "others
with whom I am known to be in habits of communication and confidence" were
not on the Committee. The return cover address the writer gave as "John
Horsfall, Treasurer, Middle Temple." The introductory note to the first letter
said, "Show this only to R. H. L. of Virginia, and he will guess from whence it
comes." The second included the statement, "This I had from Mr. Lee, agent
for Massachusetts; but it must be secret with you, as I was not to mention it."63

The third letter indicated pessimism as to aid from France for the

63 Wharton, Diplomatic Correspondence, II, 71-77.
colonies: "... but France does not seem to be settled or spirited enough to enter into a war should England resent this business." It added a comment on Lord Howe, "He is a brave man, but has a very confused head, and is therefore very unfit for an extensive command."64

Whatever the historical truth concerning the origin and intent of these letters, they have compounded confusion regarding the Franklin-Lee association. If Arthur Lee wrote them and took no more precautions to prevent their falling into Franklin's and Washington's hands than are obvious from available material on the subject, then he was either extremely and foolishly reckless or he wished to declare open war on Franklin and Jay, and deviously create a schism in the Congress. Although Wharton unqualifiedly termed Letters 1, 2, and 3 "A. Lee to Lieutenant-Governor Colden"[the introductory note, to a party undetermined], there is room for reasonable doubt as to Lee's authorship.

Circumstances dictated that Franklin and Lee should spend most of the years 1775 and 1776 on opposite sides of the Atlantic, but the two men would meet again in Paris in December of 1776. The last paragraph of a letter that Arthur Lee wrote to C. W. F. Dumas on July 6, 1776, stated:

The strange timidity de la cour Francaise requires great patience and management; but I do think it will at last be brought to act an avowed and decided part. When that happens, Angleterre must submit to whatever terms they please to impose, for she is totally incapable of sustaining a war with France.65

64 Ibid., pp. 82-84.

65 Peter Force, ed., American Archives; Fifth Series, Containing a
It was to the immediate task of diplomatically persuading France to act a decided part, and the ultimate task of persuading her to play an avowed part that Benjamin Franklin and Arthur Lee would next turn their efforts as the Congress delegated to them the roles of Commissioners to the court of Louis XVI.

CHAPTER V

COMMISSIONERS AT PARIS

The Continental Congress made three significant decisions between June 10 and June 12, 1776. They were: to draft a declaration of independence, to prepare the form of a confederation, and to set up a plan of treaties, to be proposed to foreign countries.¹ This paper deals with the third of these, since the Plan of Treaties contained the principles which the Commission to France followed in drawing up the treaty of amity and commerce with France in 1778.² It has "exerted a profound influence on the history of American diplomacy because it crystallized the policy which the United States has generally pursued throughout its history with regard to certain fundamental concepts of maritime law and natural rights."³ John Adams drafted the Plan of Treaties, using source material from a printed volume of treaties which Benjamin Franklin supplied.⁴

¹Burnett, Continental Congress, p. 205.
²Bemis, Diplomacy of the Revolution, p. 61.
⁴Burnett, Continental Congress, p. 207; and Secret Journals, II, 6-30. Congress adopted the Plan of Treaties on September 17, 1776.
On September 26, 1776, Congress appointed Franklin, Silas Deane, and Thomas Jefferson to be plenipotentiaries to the French court. Jefferson declined to serve because of personal reasons, and on October 22 Congress appointed Arthur Lee to take his place. Instructions to the Commission stipulated that the treaties they were to seek in France were for purposes of amity and commerce, not political alliance. Deane, a former member of Congress from Connecticut, was already in Paris, having arrived on July 7, 1776. He was serving in the capacity of commercial agent of Congress with the additional diplomatic authority of inquiring as to possible political as well as military support from France. Franklin reached Paris on December 21, Lee followed on December 22, and on December 23 the three Commissioners sent the following note to Vergennes, Minister of Foreign Affairs under Louis XVI:

I beg leave to acquaint your Excellency that we are appointed and fully empowered by the Congress of the United States of America to propose and negotiate a treaty of amity and commerce between France and the United States. . . . We request an audience of your Excellency, wherein we may have an opportunity of presenting our credentials. . . .

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7 Bemis, Diplomacy of the Revolution, pp. 34-35.

8 Lee, Arthur Lee, II, 110.

9 Ibid.

10 Smyth, Writings of Franklin, VI, 477.
Congress had defined no order of rank in their instructions, so the plenipotentiaries affixed their signatures without qualifying distinctions.\textsuperscript{11}

Arthur Lee wrote to Richard Henry Lee on December 25, "We have had an audience, been received, and presented our propositions." But he added pessimistically, "Two things, however, I would wish to impress upon your minds; to look forward and prepare for the worst event, and to search for every resource within yourselves, so as to have as little external dependence as possible."\textsuperscript{12} His unwillingness to rely on France was evident at this early stage.

From the beginning Lee found reason for resentment against his colleagues. The arrangements which he had begun with Beaumarchais in London in 1775, Deane assumed on becoming commercial agent in Paris in July of 1776; moreover, Deane took credit for supplies obtained through the previous arrangement of Lee.\textsuperscript{13} Franklin's overwhelming popularity among the people of France added to the dissatisfaction of the Virginian. Samuel Flagg Bemis has described the French intelligentsia's sentiment that the American colonies appeared "almost too real and too good to be true: a nation of tillers of the soil, philosophers all, tolerant, pious, reasonable, happy beings, without the curse of great cities, enervating luxuries, crimes, and other infirmities of civilization." In the eyes of the French people, Franklin epitomized this ideal. For them he

\begin{itemize}
  \item \textsuperscript{11}Van Doren, \textit{Benjamin Franklin}, p. 583.
  \item \textsuperscript{12}Lee, \textit{Arthur Lee}, II, 110.
  \item \textsuperscript{13}Ibid., pp. 27-28; and Abernethy, \textit{Western Lands}, p. 183.
\end{itemize}
carefully created his image as "a simple philosopher and patriot, a virtuous eighteenth-century Cincinnatus," but "behind this outward simplicity lay a profound and crafty mind." 14

A further cause for unpleasantness lay in the matter of living quarters. Franklin and Deane lived on the grounds of the Hôtel Valentinnois in Passy as guests of Donation Le Ray de Chaumont. Chaumont was a kinsman of Jean Frédéric Phölypeaux, Comte de Maurepas, the principal minister of France, and was a man of large business affairs who contracted to supply goods for the American cause. 15 Lee had his own rented house and, because of the business connections involving Chaumont with the Commission, felt there was some impropriety in Franklin's living on Chaumont's property free of rent. John Adams would later agree with Lee on the subject. Not until 1782 did Chaumont accept rent from Franklin. In that year Franklin moved to the main Hôtel from the Petit Hôtel where he had formerly lived. 16

On February 6, 1777, the Commissioners reported to the Committee of Secret Correspondence:

...having reason to believe, that one of us might be useful in Madrid, and another in Holland, and some courts further northward, we have agreed that Mr. Lee go to Spain, and either Mr. Deane or Dr. Franklin to the Hague. Mr. Lee sets out to-morrow... The journey to Holland will not take place so soon. 17

15Abernethy, Western Lands, p. 182; and Van Doren, Benjamin Franklin, p. 576.
16Van Doren, Benjamin Franklin, pp. 599, 636.
17Smyth, Writings of Franklin, VII, 31, n. 1.
Some months afterward Lee recounted that Franklin "would not go [to Spain] through such bad roads in so rigorous a season," and Deane "excused himself by a proposition of going to Holland, which he never performed," so Lee himself undertook the mission.  

Jerónimo Grimaldi, former principal minister of Spain, met Lee at Vittoria and prevented him from proceeding to Madrid, but promised secret aid which was given in the form of military supplies through the firm of Gardoqui and Sons of Bilbao.

Spain preferred not to give open assistance to the United States because she feared the example their revolution might set for her own colonies, and she did not wish to become embroiled with England. She was not averse to adding to Britain's discomfiture, however, by secretly granting small sums to the Americans. From Vittoria Lee wrote to Spain's new principal minister, José, Conde de Floridablanca, on March 17, 1777, that Grimaldi had assured him the assistance would be given "out of the graciousness of his majesty's royal disposition, without stipulating any return." Bemis remarks, "I have found no record of Floridablanca disputing this."

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19 Bemis, Diplomatic History, p. 32; and Bemis, Diplomacy of the Revolution, pp. 53, 91. The younger Richard Henry Lee, writing in Arthur Lee, I, 81, 84-85, states that Arthur Lee "was finally permitted to proceed to Madrid." The writer of this paper can find no corroborating evidence to that effect.


21 Ibid.
While he was in Spain Lee wrote to the other Commissioners in Paris, asking advice as to whether he should attempt to proceed to Madrid in spite of Spanish insistence that he not go further. Franklin replied with his famous dictum on militia diplomacy. Writing on March 21, 1777, he stated:

You desire our Advice about your stopping at Burgos. We agree in Opinion, that you should comply with the Request. While we are asking Aids, it is necessary to gratify the desires, and in some Sort comply with the Humours of those we apply to. Our business now is to carry our Point. But I have never yet chang'd the Opinion I gave in Congress, that a Virgin State should preserve the Virgin Character, and not go about suitoring for Alliances, but wait with decent Dignity for the Applications of others. I was overrul'd; perhaps for the best. 22

The preceding excerpt makes it evident that Franklin disapproved the scattershot method by which Congress sent out untrained emissaries to countries where there was no indication they would be received, much less, welcomed. In this he disagreed with the Lees and the Adamses, who enthusiastically contended for militia diplomacy. Franklin made his position doubly clear by circumventing Lee in his assignment to Spain, for he made a direct approach to Pedro, Conde D'Aranda, Spanish minister to France, in a letter of April 7, before Lee's return from Spain. Franklin laid before D'Aranda the resolution of Congress from the previous December 30, offering to assist Spain in taking Pensacola in exchange for free navigation of the Mississippi River and use of the port at Pensacola. 23

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23Ibid., p. 40.
Franklin acted with official sanction in making this proposal to D'Aranda, since Congress, at its great distance from Europe, had unwittingly created an awkward situation by giving Franklin a duplicate commission to Spain at the very time when Lee had gone to that post and Franklin had refused to go. Congress rectified the error by adding the Spanish commission to Lee's duties and removing it from Franklin's. Lee retained the French commission as well. In notifying Lee of his own appointment to Spain, Franklin said, "I am accordingly directed to go to Spain, but... I am really unable thro' Age to bear the Fatigue and Incommodities of such a Journey, I must excuse myself to Congress, and join with Mr. Deane in requesting you to proceed in the Business. . ."  

After his return from Spain in the spring of 1777, Lee left Paris again to go to Berlin at the beginning of June. He had the following purposes in view: to establish trade relations between Prussia and the American states; to secure an agreement from Frederick II that he would neither assist Great Britain by furnishing mercenaries nor allow right of transit to such mercenaries from other principalities; and to obtain permission to purchase munitions in Prussia. On reaching Berlin, Lee unfortunately wrote a lengthy memoir to the astute Hohenzollern which had much the air of a schoolmaster lecturing a pupil. Because it coincided with his own interests to do so, Frederick forbad the supplying of Prussian mercenaries to England, as well as the transport

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24Ibid. 25Ibid., p. 32.  
across his territory of those from other areas. Baron Schulenberg, Frederick’s minister, notified Lee that Frederick would acknowledge the independency of the United States when France did; that Frederick would allow American ships in his ports if he had a fleet "to revenge the insults that may be offered to your ships," and that Lee was at liberty to buy or order "guns and other arms." 27

In Berlin Lee was subjected to an embarrassing experience that furnished amusement to England, and to some degree, to Frederick II, albeit for the latter, a chagrined amusement. Lee’s portfolio of official papers disappeared from his room. He reported the theft to the police and the papers mysteriously returned at once. Hugh Elliott, British minister to Prussia, who engineered the pilfer, received a reward of £1,000 for his part in the affair, and a mild official rebuke. Frederick II did not ask England to recall her minister. 28

The muskets Lee was able to purchase in Prussia proved to be defective ones rejected by the Prussian government. 29 More than a year later Lee wrote Schulenberg, "I do assure your excellency upon my honour that the musket which is the specimen of those sent for the best Prussian arms, and which have cost me five livres a piece more than the best arms in France is one of the worst that I ever beheld." 30

27Ibid., II, 19.


29John W. Wright, "Some Notes on the Continental Army," William and Mary Quarterly, 2d Ser., XI (April, 1931), 98.

On his return from Prussia to Paris, Lee began to express his distaste for the Spanish post to which he had been appointed. In a letter to Richard Henry Lee, written October 4, 1777, he said, "It is of all places the most disagreeable to my disposition; and so very inferior in point of political importance, that I should certainly be of much less utility there than here." He commented that "a degree of indolence reigns there that is almost inconceivable." Then he began his campaign for a rearrangement of diplomatic assignments. He suggested, "My idea therefore of adapting characters and places is this: ---Dr. F. to Vienna, as the first, most respectable, and quiet; Mr. Deane to Holland; and the Alderman [their brother, William Lee] to Berlin, as the commercial department."31 That same day, Lee wrote to Samuel Adams,

I have within this year been at the several courts of Spain, Vienna, and Berlin, and I find this of France is the great wheel that moves them all. Here therefore the most activity is requisite; and if it should ever be a question in congress about my destination, I shall be much obliged to you for remembering, that I should prefer being at the court of France.32

In the very midst of his rapidly increasing resentment against Franklin and Deane, which he vented in recriminating letters to members of Congress, Lee recorded in his journal on October 25, 1777, the account of a conversation between Franklin and himself. The older man made a remarkable analysis of the beginnings of the American Revolution and the development of a government for the combined states. It was a lengthy, complicated study, and Lee gave his summary of it in a thoroughly respectful manner, as though aware that he was

31Ibid., p. 115. 32Ibid., p. 113.
relating a matter of great importance not only for himself, but for future understanding of what had transpired. Undeniably idealized as portrayed in Lee’s account, Franklin’s view was comprehensive, the result deeply impressive. 33 One cannot suppress the regret that these two intelligent, capable men did not give rein in the regular tenor of their relationship to the splendid sense of this one occasion.

A week later Lee filled the entry in his journal with complaints that Franklin and Deane had not consulted him on important matters, that Franklin was proceeding in his actions without adequate authority from Congress, and that there were public monies for which there was no proper accounting. 34

Arthur Lee directed one of his most serious attacks on Deane and Franklin to Samuel Adams on November 25, 1777. Beginning with the words, "Let me whisper to you..." Lee launched into charges of stock-jobbing, sacrifice of public money to private purposes, and loss of respectability and credit. He recommended the appointment of a new commercial agent who should review the accounts and forbid Commissioners to involve themselves in trade. He asked Adams to "be so good as to consult with Mr. Laurens [Henry Laurens, President of the Congress] and my brothers upon this subject." 35

Of course Adams, Laurens, and the Lees did consult and after consulting, stirred up the Congress with resulting dissension.

33 Ibid., I, 343-46.
A month and a half later, Arthur Lee renewed the attack in writing to Richard Henry Lee. He complained, "Things are going on worse and worse every day among ourselves." Maintaining that the public money "will either never be accounted for or misaccounted for, by connivance between those who are to share in the public plunder," he lamented the fact that as a member of the Commission he was responsible for things he could do nothing about. 36 By the following September he made his accusation against Franklin more precise, "I am more and more satisfied that the old doctor is concerned in the plunder and in time we shall collect the proofs." 37

Paul Wentworth, who had become a British secret agent, was in Paris during December of 1777 and January of 1778 to sound out Franklin and Deane on the peace terms England planned to offer the United States. He did not attempt to meet with Lee, for Major Thornton, Lee's secretary who was also a British spy, assured Wentworth that Lee would not consider any other end to the Revolution than complete independence. Wentworth held a number of meetings with Franklin and Deane, offering them "high office and emoluments in the new loyal government," but they rejected the proffered bribe. 38


38 Van Doren, Benjamin Franklin, p. 589; Bemis, Diplomacy of the Revolution, p. 59, n. 3; and Bemis, Diplomatic History, p. 28.
The American victory at Saratoga led the French government to sign two treaties with the United States on February 6, 1778, a treaty of amity and commerce as provided for in the Plan of Treaties of 1776, and a treaty of "conditional and defensive alliance", unauthorized by Congress, "which provided that neither country would sign a separate peace treaty without the prior consent of the other country," an alliance which "would continue at least until Great Britain officially acknowledged United States independence."  

Lee precipitated an impasse in signing the treaty of amity and commerce. Deane secured the insertion of Article XI, providing that molasses, which Connecticut and other rum-producing states needed, would be free of export duty in the French West Indies. Conrad Alexandre Gérard, negotiator for France, obtained a similar provision which Franklin formulated in Article XII, prohibiting export duties on any products going from the United States to the French West Indies. 40 Lee objected to the disparate requirements of the two articles and delayed the signing for nine days. 41 In the meantime, Louis XVI had signed the treaty and it had been embossed. Gérard suggested that if Congress should reject the section under question, the King would nevertheless


40Bemis, Diplomacy of the Revolution, p. 62, n. 9; and Stourzh, Franklin and Foreign Policy, p. 152.

ratify the treaty, and Lee acquiesced in this understanding. 42 Congress considered Articles XI and XII separately and refused to accept them. 43

At the signing of the treaties, a discussion arose as to whether Lee should sign twice, once as Commissioner to France, and once as Commissioner to Spain. Deane introduced the question, and when Lee inquired of Gérard, the French representative said he thought not. 44 It was decided, however, that for the secret article which reserved to the King of Spain the right to agree to the treaties, Arthur Lee would add to his signature "Deputy, Plenipotentiary for France and Spain." 45

Louis XVI publicly announced the treaties on March 20, 1778, and for the state occasion Franklin could not find a wig to fit. He turned disaster into triumph by appearing at court in simple Quaker garb, wearing no wig. The elaborate dress of his colleagues in contrast, pointed up the shrewd decision of the wily philosopher whose "simplicity" the French adored. Bernard Fay described Deane and Lee as seeming "like lackeys to set off the Patriarch's appearance." 46


43 Bemis, Diplomacy of the Revolution, p. 62, n. 9; and Ford, JCC, XI, 460.

44 Lee, Arthur Lee, I, 393.


The Commission had successfully engineered the treaties with France. Advantages resulting from those treaties would not be fully evident for three and a half years. Meanwhile, having done what it could to ensure the future of its country, the Commission seemed bent on self-destruction.
CHAPTER VI

DISSENSION, DISSOLUTION, AND RECALL

Congress voted to recall Silas Deane in December of 1777, giving as the reason a desire that he might report on conditions in Europe. The recall resulted in part from the sharp annoyance of Congress over the numerous foreign officers who arrived with endorsements for commissions in the army. Although Congress had authorized Deane to send no more than four engineers, he had greatly exceeded that number. 1 General Washington inquired as to what he should do with the many foreigners who had come to him holding the rank of field officers. 2 Richard Henry Lee explained in his reply that some of these men had come without recommendations, some with recommendations, and some had come from France under agreement with one of the Commissioners, referring to Deane. 3

An additional cause of Deane's recall was the stinging criticism Arthur Lee had heaped upon him in letters to Samuel Adams and the Lee brothers,

1 Burnett, Continental Congress, pp. 241-43.


ichard Henry and Francis Lightfoot. The original jealousy of Arthur Lee over
Cane's superseding him in commercial arrangements with Beaumarchais, had
idened with the development of a serious issue: should Beaumarchais receive
ayment for certain supplies sent for the use of America through the agency of
ortalez and Company in accordance with the agreement he had made with Lee?
he dispute arose subsequent to, and in spite of, a communication the Commis-
ion in Paris sent to the Secret Committee in October of 1777 to the effect that
ey had been assured the supplies were intended as don gratuit, or a voluntary
ift, on the part of the French government. 4

In the beginning of 1778, Beaumarchais sent an agent to Congress to
lect payment, and Lee insisted there should be no payment for an unsolicited
ree grant. Silas Deane supported Beaumarchais' demand for the money, while
raguais, unofficial observer for the French minister Vergennes at the time
f the original agreement between Lee and Beaumarchais, who had been present
some of their meetings, corroborated Lee's version of the transaction. 5

Congress asked the Commissioners to request that the French government
larify the situation. France was not yet ready to acknowledge her involvement
in secret aid, so Vergennes answered that the King had not furnished anything

4 Charles J. Stille, "Beaumarchais and the Lost Million," Pennsylvania
agazine of History and Biography, XI (1887), 4.

5 Lee, Arthur Lee, I, 371; and Bemis, Diplomacy of the Revolution,
, 36, n. 17.
and he himself knew nothing of Hortalez and Company. An embarrassed
Congress was compelled to go along with the French position.  

Later, in 1794 Gouverneur Morris, United States minister to France,
was able to obtain proof that Beaumarchais had received compensation from the
French government for the most bitterly disputed part of the sum. At the time
of the quarrel between Lee and Deane in 1777 and 1778, however, the honesty
of the United States was at stake, with the question as to whether or not
Congress should pay Beaumarchais the amount he demanded.

Arthur Lee also accused Silas Deane of using government money in
private speculations and business deals based upon knowledge he was able to
gain as a public official. There was additionally the charge that Deane had
profited through fitting out privateers and selling prize ships taken at sea. The
Adams–Lee coalition, at its fullest strength in this period and on into 1779,
secured the recall of Deane because of these factors. One of Arthur Lee's most
decided partisans was Henry Laurens who presided over Congress from Novem-
ber, 1777, until his abrupt resignation in the deepest bitterness of the dissension

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7Ibid., p. 24.

8Stourzh, Franklin and Foreign Policy, p. 151; and Abernethy,
Western Lands, p. 183.
been silent, I have not felt the less the many affronts of this kind, which you have thought proper to offer me."11

The reply Franklin penned the next day was for him extremely indignant in tone. One sentence contained the warning, "If you do not cure your self of this Temper it will end in Insanity. . . ." Carl Van Doren is of the opinion that Franklin probably did not actually send the angry retort, for on April 4 he wrote another, more lengthy reply to Lee in a more measured tone, outlining and discussing the points at issue, one by one.12

In this second letter Franklin explained he had merely complied with Deane's wishes to keep secret his intention to depart, for reasons "that appear'd to me satisfactory, and founded entirely on Views of Publrick good." As for informing Lee of Gérard's plans to go to America, Franklin evaded the issue by stating that what Gérard did was the business of France and he himself had played no part in decisions regarding the French envoy. Since at the time Lee was officially on equal footing with Franklin as Commissioner to France, the failure to notify him of the appointment of Gérard as the first French minister to the Congress constituted a glaring omission.

Franklin's reply further maintained he had not answered Lee's angry letters, written in the manner of one addressing a servant, so that he might


12Benjamin Franklin, p. 598; and Smyth, Writings of Franklin, VII, 132-37.
always greet Lee at their next meeting with "the same Civility, as if you had never wrote them." This exchange marked the beginning of relentless antagonism by Lee, an antagonism no longer relieved by occasional moments of pleasant association.13

John Adams arrived in Paris within a week after Deane's departure and redressed the balance of the Commission in Lee's favor. Determined at the outset to be impartial in dealing with the disputants, he gradually moved toward a position sympathetic with Lee and critical of Franklin. Two months after Adams' coming, Lee wrote to James Lovell at the Congress:

You could not have sent a colleague more agreeable to me than the present. With much good sense and good nature, a disposition to do business, and pursue the public good alone, he is so direct a contrast to the other, that nothing can be more pleasing to me than the change.14

Adams conceded that Lee's "Prejudices and violent Tempers would raise Quarrells in the Elisian Fields if not in Heaven," but of Franklin he wrote, "... there is another, whose Love of Ease, and Dissipation, will prevent any thorough Reformation of any Thing—-and his (Cunning and) Silence and Reserve, render it difficult to do any Thing with him."15 And the order-loving Adams recorded, "The public Business has never been methodically conducted. There never was before I came, a minute Book, a Letter Book or an account Book—

13Smyth, Writings of Franklin, VII, 132-37.


and it is not possible to obtain a clear Idea of our Affairs. ↑ Arthur Lee had previously made many similar complaints.

Adams joined forces with Lee in a dispute over Franklin's grand-nephew, Jonathan Williams, Jr., who at the age of twenty-two had received an appointment from Silas Deane to be commercial agent at Nantes. ↑ In addition Williams represented Chaumont in contracting for supplies and in buying and selling American war prizes taken at sea. ↑ In an article by Richard Henry Lee, which appeared in the Virginia Gazette on March 26, 1778, Lee stated he had seen a letter that young Williams wrote to Deane asking him to sign a general approba-
tion giving Williams power "to draw on the public treasure at will," and Lee added that he understood Deane had placed about a million livres in Williams' care. ↑

In June of the following year, Richard Henry Lee cited to President Henry Laurens of Congress the haphazard manner in which Williams carried on official business. Lee mentioned "Cargoes without Invoices, and Chartered Ships without copy of the Charter party or a word explanatory of the contract made for the Ship." ↑ To George Mason in the same month he quoted Arthur

16 Ibid., p. 365.

17 Abernethy, Western Lands, p. 183; and Ballagh, Letters of Richard Henry Lee, II, 8, 21-22.

18 Van Doren, Benjamin Franklin, p. 599.

19 Ballagh, Letters of Richard Henry Lee, II, p. 8, n. 3.

20 Ibid., p. 64.
Lee as saying, "Indeed . . . these Gentlemen [including Williams] seem to think it both an affront and an injustice to be called upon for a clear and unequivocal account of the expenditure of the public money."²¹

The underlying basis of the quarrel over Jonathan Williams involved William Lee, whom Congress appointed commercial agent at Nantes early in 1777. Williams was managing affairs of a commercial nature there and the Lees charged Franklin and Deane with keeping William Lee's commission from him so that Williams might continue to carry on business for them as well as for Chaumont.²² Richard Henry Lee wrote to Silas Deane in January of 1779 that William Lee had complained of Deane's giving orders to sea captains to put prizes at Williams' disposal when the joint committee of Congress had explicitly committed supervision of prizes to the care of duly appointed agents.²³ William Lee received the "militia" commission to Prussia and Austria in May of 1777, but was unable to obtain recognition of the United States, nor was he given the slightest encouragement by those two countries. He did succeed in negotiating a treaty of commerce with Holland, but neither party to it ratified the agreement.²⁴

²¹Ibid., p. 68.

²²Ibid., pp. 21-22; Abernethy, Western Lands, pp. 183-84; and Butterfield, Diary of John Adams, IV, 52-53.


Although Jonathan Williams had been a law clerk in John Adams' Boston law office, Adams agreed with Arthur Lee that the young man should be dismissed from the Nantes agency. Franklin decided to acquiesce in their wishes. The firm Williams subsequently established in France having become bankrupt toward the end of the war, he returned to America with Franklin and eventually under the sponsorship of Thomas Jefferson, became first commandant at West Point. 25

John Adams was very much aware of the key role Franklin played in France. With some degree of jealousy, yet in complete candor, he evaluated the comparative importance of Lee and himself as against that of Franklin: "On Dr. Franklin the Eyes of all Europe are fixed, as the most important Character, in American Affairs in Europe. Neither L. nor myself, are looked upon of much Consequence." 26 Shortly after he reached Paris Adams advocated to Congress the dissolution of the joint Commission and the appointment of a single plenipotentiary to France. 27 When Lafayette brought orders from Congress on February 12, 1779, recalling Adams and Lee from the Commission to France and giving sole authority to Franklin, Adams wrote in his diary, "The greatest Relief to my Mind. . . . Now Business may be done by Dr. Franklin alone." 28

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25 Van Doren, Benjamin Franklin, pp. 600-601, 726-27; and Butterfield, Diary of John Adams, IV, 52-53.

26 Butterfield, Diary of John Adams, II, 347.


28 Ibid., p. 353.
Arthur Lee retained his position as Commissioner to Spain, however.

After long delays in what amounted to a trial by Congress, Silas Deane requested that body to come to a decision in the matter and allow him to go about his affairs. Congress declined to be hurried, so Deane added to the volatile atmosphere his address "To the Free and Virtuous Citizens of America," which the Pennsylvania Packet published December 5, 1778. In the address Deane defended himself against the attacks he had sustained and made countercharges against Arthur Lee.29

Benjamin Franklin informed James Lovell on June 2, 1779, and again on October 17 of the same year, that he had never meddled in the dispute between Deane and Lee,30 but he had, in fact, sent to Laurens a warm recommendation and endorsement of Deane on March 21, 1778. He wrote to Laurens:

I cannot omit giving this Testimony, tho' unmask'd, in his Behalf, that I esteem him a faithful, active, and able Minister, who, to my knowledge, has done in various ways great and important Service to his Country, whose Interests I wish may always, by every one in her employ, be as much and as effectually promoted.31

Franklin had praised Deane at two different times to Lovell himself, the first, on December 21, 1777, in defense of Deane over the commissions to foreign officers, including the statement that Deane "daily approves himself to my certain Knowledge an able, faithful, active, and extremely useful Servant

29Stinchcombe, American Revolution and French Alliance, p. 40.

30Smyth, Writings of Franklin, VII, 335, 401.

31Ibid., p. 128.
of the publick. " In the second, on July 22, 1778, Franklin said he did not doubt
that "every prejudice against him is removed," and expressed pleasure over
the likelihood of Deane's returning to Europe "in the commission to Holland,
where matters are already so ripe for his operations, that he cannot fail (with
his abilities) of being useful." Lovell refuted Franklin's commendation of
Deane, saying, "And, however you may not discover the great Malignity of his
Innuendoes, you cannot but see & own that his Peice contains downright lies,
which must be pointed out to the Public." "

One of Silas Deane's principal accusations against Arthur Lee was that
Lee was implicated in the treachery of his secretary, Major Thornton. It was
Franklin who first employed Thornton, sending him to London in December of
1777 to look into conditions of the American prisoners of war there. When
Thornton performed the assignment creditably, Franklin recommended him as
secretary to Lee. Some of the information Lee relayed to America after
receiving it from Thornton proved to be deliberately misleading, and Franklin
and Deane withheld from their colleague evidence in their possession that
Thornton was not trustworthy. Eventually Lee learned of Thornton's disloyalty
and ordered him to return to Paris from an errand to London, for investigation
to be made. The secretary replied that he was ill and refused to comply. That

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32 Ibid., pp. 78, 174-75. 33 Ibid., p. 402, n. 1.
34 Ibid., p. 75.
concluded the matter, but Lee was convinced the entire Thornton affair was a plot to discredit him. 35

Deane also indicated that Arthur Lee did not enjoy the confidence of the French ministry, and that Lee and his cohorts were desirous of making a separate peace with England, in violation of the treaty of alliance with France. 36

Thereupon John Adams wrote to Vergennes, defending Lee from the charges that had been leveled against him. Adams told the French minister he was persuaded that Franklin was mistaken in siding with Deane. He had been in the Massachusetts House during the period when Franklin and Lee served as agents in London, and he vouchsafed that Lee's letters had "breathed invariably the most inflexible Attachment and the most ardent Zeal in the Cause of his country."

Adams continued, remarking on Lee's correspondence with Congress from 1774 to 1777 when Adams was a member, that Lee "communicated the most constant and the most certain Intelligence, which was received from any Individual, within my Knowledge." He concluded the commendatory summary

35 Thomas P. Abernethy, "Commercial Activities of Silas Deane in France," American Historical Review, XXXIX (April, 1934), 484; and Charles Henry Lee, A Vindication of Arthur Lee, LL. D., F. R. S., Former Representative of the Province of Massachusetts, at London, Joint Commissioner with John Adams, Benjamin Franklin, and Silas Deane, at the Court of Louis XVI of France, and Sole Commissioner at the Courts of Spain and Prussia: Designed as a Refutation of Charges Found in the Writings of Benjamin Franklin as Exhibited by Jared Sparks, the Letters of Silas Deane, the Memoir of Beaumarchais, by L. De Lomenie, and "Translations" (1889), (Richmond, Virginia: Whittet and Shepperson, Printers, 1894), p. 21.

36 Stinchcombe, American Revolution and French Alliance, pp. 39-41.
with the conviction that in association with Lee in France he had "found in him the same Fidelity and Zeal." He accused Deane of being vain, presumptuous, ambitious, foolish, and unworthy of confidence. Vergennes did not alter his opinion, and when Adams became peace commissioner in 1779, Vergennes expressed displeasure over the appointment, requesting the addition of a second commissioner with equal powers. But he stopped short of ordering Anne César, Chevalier de la Luzerne, Second French minister to the United States, to press for Adams' recall.

One further rankling source of friction demands attention here. Throughout the duration of the Commission in Paris, Lee remained profoundly suspicious of Edward Bancroft, at first secretary to Deane and later secretary and advisor to the entire Commission. Early in 1779 Lee wrote, "I have evidence in my possession, which makes me consider Dr. Bancroft as a Criminal with regard to the United States, and . . . I shall have him charged as such wherever he goes within their jurisdiction." In an attempt to persuade Lee of his loyalty, Bancroft arranged his own arrest by the British and then made a pretense of talking his way out of the seeming predicament.

39 Stinchcombe, American Revolution and French Alliance, pp. 155-56.
40 Butterfield, Diary of John Adams, IV, 71.
As a boy Bancroft had gone to school to Silas Deane. At one time he had managed the Borneo plantation of Paul Wentworth, and still later he had been an associate of Franklin and the Whartons in the Grand Ohio Company. He continued his business dealings with Samuel Wharton while serving as secretary to the Commission, sending secret information to Wharton in London for purposes of speculation before transmitting it to the British Foreign Office. Bancroft was "one of the most remarkable spies of all time, achieving the astonishing feat of serving simultaneously as an intelligence agent for two nations at war, while serving himself first of all."  

George III also expressed doubt regarding Bancroft's trustworthiness. The King, as well as Arthur Lee, erred only in failing to comprehend the depths of Bancroft's duplicity. The double agent boasted of getting the news concerning the signing of the treaties in February, 1778, to Whitehall in forty-two hours. Franklin steadily maintained the innocence of the Commission's secretary. As late as 1889, Francis Wharton went to some lengths to disprove accusations against Bancroft. But the publishing of the B. F. Stevens

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43 Abernethy, Western Lands, pp. 122, 230.


45 Butterfield, Diary of John Adams, IV, 71.

46 Van Doren, Benjamin Franklin, p. 594.

47 Diplomatic Correspondence, I, 620-41.
Facsimiles of British secret service papers between 1889 and 1898, about seventy years after Bancroft's death, laid bare the extensive involvement in espionage of the man in whom Franklin had placed his confidence. 48

Since the dissolving of the original Commission to France did not affect Arthur Lee's position as Commissioner to Spain, he continued in that capacity, residing in Paris as he had formerly done. In America Gérard set about the task of obtaining his recall. Through William Paca of Maryland and William Henry Drayton of South Carolina, both members of Congress, Gérard verified to the Congress Deane's statement that the French government could not rely on Lee and would not be willing to entrust to him the negotiations for peace. On April 30, 1779, Paca and Drayton reported to Congress a quotation from Vergennes as proof of the distrust: "I confess to you, that I fear Mr. Lee and those about him." 49

The attitude of the French toward Lee was undoubtedly based in part on his difficult temperament. Another factor stemmed from their admiration for Franklin, which made them suspect anyone who opposed the Pennsylvanian. Moreover, they considered Lee pro-English, as did the pro-Gallican, pro-Franklin element of Congress, and Deane's accusations had their effect, also.


49 Ford, JCC, XIV, 533-37; and Burnett, Letters of the Continental Congress, IV, 186-88.
Finally, the French were convinced that Lee would in the future prove to be adamant in seeking the American advantage in certain points on which Franklin might agree to compromise in deference to French wishes. These points included the western boundary of the United States, navigation of the Mississippi River, right of deposit at New Orleans, St. Lawrence fishing rights, ending hostilities through a long-time truce with England, and the signing of a separate treaty with England.

Gérard failed in his first effort to bring about Lee's recall, for on May 3, 1779, Congress refused to remove him from his commission as minister to Spain. However, in the skirmishing preliminary to appointing a plenipotentiary to negotiate peace with England, Lee's supporters found it necessary to sacrifice him in order to secure the post as peace commissioner for John Adams. The position of minister to Spain went to John Jay; thus Arthur Lee was superseded in September of 1779.

John Dickinson tried to explain to Lee the compulsion which moved his supporters to abandon him:

But while I thus interested Myself in what concerned my Friend, the Conduct You object to was influenced by two Reasons . . . . Those were, a Coolness in the Court of Versailles towards You, and the Difference with Dr. Franklin.

Before learning of his recall, Lee decided to go to Spain and applied to Franklin for funds to support him in that country. Franklin's answer closed

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50 Ford, JCC, XIV, 542-43. 51 Ibid., p. 74.

my remaining avenues Lee might have wished to explore: "As I cannot furnish the Expence, and there is not, in my Opinion, any Likelihood at Present of your being received at that Court, I think your Resolution of returning to America is both wise and honest." Notification of his recall then brought Lee's diplomatic career officially to its close. Dr. Franklin had outlasted him.

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CHAPTER VII

AFTERWARD

Arthur Lee did not return immediately to the United States on notice of his dismissal as minister to Spain, but with Ralph Izard of South Carolina, commissioner to the Grand Duchy of Tuscany, to abet him, remained in Paris for several months, the two of them "promoting strife and teasing Franklin with petty annoyances." Franklin must have breathed a sigh of profound relief on February 19, 1780, to be able to write to John Paul Jones that he hoped Jones could accommodate Lee and Izard who "propose to take their passage in your ship," referring to a forthcoming voyage of the Alliance to America.  

The simple request was to lead to a complicated maze of plot and intrigue which still occasions debate among historians. When Lee reached L'Orient about June 9, 1780, Jones refused the Virginian's demand that he be allowed to carry with him a tremendous amount of luggage including wines, books, furniture, a number of servants, and two fine traveling coaches. In

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1 Bemis, Diplomacy of the Revolution, p. 114, n. 4; and Smyth, Writings of Franklin, X, 364.

2 Smyth, Writings of Franklin, VIII, 15.
retaliation Lee inaugurated plans for the Frenchman, Captain Pierre Landais, to commandeer the Alliance. Jones sent anguished pleas to Franklin for assistance and received in turn a withdrawal of Franklin's order to accommodate Lee as a passenger. Landais managed to elude the efforts of Jones to regain control of his ship, and the Alliance sailed for the United States on June 22 under Landais' command, leaving behind the angry and embarrassed Jones.

A tragicomic vignette of the episode was the quarrel between Lee and Landais during the ensuing voyage which resulted in Lee's assuming the role of doctor of medicine to declare Landais insane. Then as former Commissioner of the United States, he assigned command of the ship to Lieutenant James Arthur Degge. The Alliance made for the nearest American port after Degge took command and reached Boston on August 19, 1780. Her original destination according to Congressional wishes had been Philadelphia. Across the Atlantic Franklin expressed displeasure with John Paul Jones for the neglect of his duty in allowing Landais to seize his ship. Somewhat later Franklin scolded Jones

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4Smyth, Writings of Franklin, VIII, 97. Letter of Franklin to John Paul Jones, June 17, 1780.

5Buell, Paul Jones, I, 305.

6Ibid., pp. 305-306; and Morison, John Paul Jones, pp. 299-300.
over a large order of medical supplies he had made without obtaining Franklin's consent. 7

The arrival of Arthur Lee in America stirred up some trepidation among members of Congress. On October 2, 1780, Joseph Jones of Virginia wrote inquiring of James Madison, "Has Dr. Lee made his appearance and does he attempt to revive the old disputes?"8 On October 10 Madison replied from Philadelphia, "Lee has not yet arrived."9 A week later Lee directed to Congress a letter enclosing sundry papers and including a request for a full hearing relating to his official conduct. Congress heard his letter on October 19 and resolved in the affirmative "That Mr. Lee be directed to lay before Congress all the information in his power relative to our affairs in Europe."10 Thus the door opened for the campaign Lee had determined to pursue.

Ezekiel Cornell referred to the reception given Lee's letter in his report to Governor William Green of Rhode Island, the state Cornell represented in Congress. Stating that it seemed apparent to him "a winter's work is cutting out," Cornell remarked, "I hope it will not operate to the procrastination of business of greater moment."11 Edmund C. Burnett succinctly puts it that

7 Smyth, Writings of Franklin, VIII, 116, 176-77.
8 Burnett, Letters of the Continental Congress, V, 400.
9 Ibid., p. 418.
10 Ford, JCC, XVIII, 951-53.
there was "a decided rise of pressure in foreign relations" resulting from "the respective bags of thunderbolts" Lee and Izard brought with them. On the other hand, when Edmund Pendleton expressed to James Madison his conviction that the common interest "must receive injury from every internal wrangle of this sort," Madison answered that in spite of the lack of reserve exhibited by Lee and Izard "in their reflections on the venerable philosopher at the Court of Versailles," the current temper of Congress did not seem inclined to kindle anew the flame of faction.

By the end of October Lee was in Philadelphia. At his request Congress voted to allow him to retain the picture of King Louis XVI which Vergennes had presented to him on his departure from the Court of Versailles. It stated, moreover, that there were before Congress no properly supported charges against Lee. Congress recognized his "zealous and faithful exertions" to discharge his public trust, and he might be assured his recall intended no censure of character or conduct abroad.

The matter of Lee's accounts was not so easily settled, and it was only after months of nagging pressure that he obtained the settlement of his principal accounts. On August 6, 1781, Congress resolved to allow to Lee's credit the

12 Ibid., p. xxxii.


14 Ibid., p. 439, n. 4; and Ford, JCC, XVIII, 114-15.
amount of £2,238.17.9 due him according to the investigating commission.\textsuperscript{15} At the time Congress lacked funds to pay up the account, so Lee accepted a certificate payable in the future with interest.\textsuperscript{16}

Lee recommended to Congress three actions he considered essential to the welfare of the country: the appointment of a minister to Russia, "the head of the neutral powers"; the establishment of a secretary of state for foreign affairs; and the recall of Dr. Franklin.\textsuperscript{17} He was able to see the accomplishment of the first two aims, but he failed in the third. Nevertheless he succeeded in persuading Congress to appoint a special envoy to France for the purpose of obtaining financial aid. John Laurens, son of Henry Laurens, received the appointment.\textsuperscript{18} Young Laurens earned from Franklin a comment that he was indefatigable and took pains with his work, but "brusqued the ministers too much," thereby giving offense.\textsuperscript{19} Lee's ploy to discredit Franklin through the appointment of an auxiliary minister failed, for Vergennes counteracted it by giving an extra grant to Franklin prior to Laurens' arrival and by saying of

\textsuperscript{15}Ford, JCC, XXI, 834.

\textsuperscript{16}Burnett, Letters of the Continental Congress, VI, 393-94.

\textsuperscript{17}Ibid., V, 490, n. 3. Letter of Arthur Lee to Governor Jonathan Trumbull of Connecticut, December 25, 1780; and Wharton, Diplomatic Correspondence, IV, 182-86.

\textsuperscript{18}Wharton, Diplomatic Correspondence, IV, 182-86; and Stourzh, Franklin and Foreign Policy, p. 299, n. 75.

\textsuperscript{19}Wharton, Diplomatic Correspondence, IV, 660. Letter of Franklin to William Carmichael, August 24, 1781.
Franklin, "We esteem him as much on account of the patriotism as the wisdom of his conduct." 20

Lee's letter to Congress on December 7, 1780, carried grave charges against Franklin. Pointing out Franklin's advanced years, he accused him of being too devoted to pleasure, even more than a younger man in his station should be; of neglecting official duty; of associating in business with dishonest men, and in social affairs with men suspected of treachery. He complained of the disorderly management with which Franklin carried on official duties, and declared the continuance of Franklin in office was incompatible with the public honor and interest. 21

Previously, in April of 1779, critical letters from Lee and Izard had caused Congress to debate Franklin's recall, but the anti-Franklin forces could rally the votes of only two states, Virginia and North Carolina. 22 Now Lee in person fared no better, for on August 28, 1781, Congress recorded, "The report relative to... The recall of Dr' Franklin... 28 Dec. 1780... Ought not to be acted upon." 23

It is evident that esteem for Franklin was far from universal among his countrymen, however. Luzerne, French minister in Philadelphia, wrote to Vergennes that Franklin lacked the support of Congress and that the silence he

20 Ibid., p. 256. 21 Ibid., pp. 182-86.
22 Ford, JCC, XIII, 500.
23 Ibid., XXI, 900.
observed toward his constituents persuaded them he occupied himself very little with public affairs. In December of 1780 James Lovell chided Franklin with a reminder that since the preceding May the Committee of Foreign Affairs had received from him no communication on official matters.

The following March Franklin offered to resign, giving reasons of age and health. When Congress declined to accept his resignation, Franklin wrote his friend William Carmichael, "I fancy it may have been a double Mortification to those Enemies you have mentioned to me, that I should ask as a Favour what they hoped to vex me by taking from me; and that I should nevertheless be continued." Shortly afterward he attributed Lee's enmity against him, "to the People of France, who happen'd to respect me too much and him too little; which I could bear, and he could not." Franklin's friends in Congress had been unable to bring about his appointment as peace commissioner in 1779, that position going to John Adams, as has been noted. When Congress voted in June of 1781 to add two more commissioners, a sectional struggle involving an anti-Franklin movement by Lee supporters led to a decision to raise the total number on the commission to five.

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24 Stourzh, Franklin and Foreign Policy, p. 153.
26 Smyth, Writings of Franklin, VIII, 220-21.
28 Ibid., p. 306. Letter to Francis Hopkinson, September 13, 1781.
The names of John Jay, Henry Laurens, Thomas Jefferson, and Benjamin Franklin joined that of Adams, General John Sullivan, in Luzerne's pay at the time, sponsored the nomination of Franklin, whose name was the last in completing the complement of the commission. Arthur Lee asserted that "by the absolute order of France, Dr. Franklin and Mr. Jay were joined in commission with Mr. Adams for negotiating a Peace" and "at this very time, Congress had the fullest evidence and conviction that Dr. Franklin was both a dishonest and incapable man." Thomas McKean placed Arthur Lee's name in nomination for the new office of Secretary for Foreign Affairs, but Robert Livingston won the post through the intervention of Luzerne, who openly opposed the selection of Lee and favored that of Livingston. Within Congress James Madison led the campaign to block Lee's election. Virginia chose Lee to represent her in Congress,


32Corwin, French Policy and American Alliance, p. 265, n. 1 continued from p. 264.

ever, voting him the honor on December 28, 1781, and thus enabling him to participate officially in the affairs of that body. 34

Lee soon found an opportunity to embarrass Franklin, for there occurred unexpected absorption of funds abroad, a complication Franklin found difficult to explain. This came about at an awkward moment when Luzerne was stung that Congress give Franklin more power in financial relations between two nations. 35 Lee furiously accused Franklin of "absolute robbery," ringing to his ravenous spirit and rapacious hands. He lamented, "This transaction will I ha[ve] no doubt pass also unpunished and uncensured." 36

Lee was further exacerbated by the appearance in Congress of Samuel Wharton, Franklin's erstwhile business associate. He described Wharton as an agent for Great Britain and for certain land companies, conniving in a to reduce the United States to domination by Great Britain in order to obtain the companies could not secure from the United States as an independent nation. 37 Wharton wrote two letters to David Conway of England in January of 37, and they give substance to Lee's charge that he was acting as a British t. 38

34 Burnett, Letters of the Continental Congress, VI, liii.
35 Brant, James Madison, II, 192.
37 Ibid., p. 331. Letter to Samuel Adams, April 21, 1782.
The instructions of Congress to the peace commission in June of 1781, maneuvered by Luzerne, were "to govern yourselves by their [i.e., the French] advice and opinion." Lee adamantly opposed the limitations laid upon the commissioners, partially because he feared Franklin's pro-Gallic inclinations would allow French domination to reign unchecked. He repeatedly tried to secure their repeal, but he and his Massachusetts allies failed utterly in their efforts. Bemis remarks that Congress "continued to trust the subtle Vergennes to treat the interests of the United States as if they were those of his own sovereign." 

Franklin also joined in the battle of recriminations during the period immediately preceding and following Lee's return to the United States. He warned Joseph Reed, Denny's De Berdt's son-in-law, "I caution you to beware him [Lee]; for in sowing suspicions and jealousies, in creating misunderstandings and quarrels, in malice, subtilty, and indefatigable industry, he has sunk no equal." He wrote William Carmichael that he considered Lee the st malicious enemy he ever had.

According to James Madison, in the autumn of 1782 Lee engaged in a le attempt to keep Franklin from enjoying an honor intended for him by the

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39Ford, JCC, XX, 651; and Secret Journals, II, 445–46.

40Diplomacy of the Revolution, p. 190.

41Smyth, Writings of Franklin, VIII, 44. Letter dated March 19, 1780.

42Ibid., p. 51. Letter dated March 31, 1780.
King of Sweden. Writing in cipher, Madison informed Governor Edmund Randolph of Virginia that the king, through his minister at Versailles, had expressed the wish to be first in Europe to negotiate a treaty with the United States, and he particularly desired that Franklin act for the United States. Lee, assisted by Congressional members Ralph Izard of South Carolina and Theodoric Bland of Virginia, "struggled violently to deprive the doctor of the honour intended him."43 To his chagrin, Lee received orders from Congress to draft Franklin's instructions for negotiating the treaty with Sweden.44 Franklin concluded the treaty he following March,45 but meanwhile turned the barb back on Lee by claiming he right to treat with any European powers under "the old authority given, by a resolution, to myself with Messrs. Deane and Lee."46

True to the fears of his enemies, Franklin had agreed previously to pain's proposal of a long-time truce with England. Vergennes attested to this.47 Nevertheless, contrary to the fears of those same opponents, Franklin did not move to thwart the signing of a secret treaty with England in November of 1782. Instead he joined Adams and Jay in negotiation independent of France,


44Brant, _James Madison_, II, 197-98.

45Van Doren, _Benjamin Franklin_, p. 703; and Smyth, _Writings of Franklin_, IX, 18.

46Smyth, _Writings of Franklin_, IX, 49.

hus violating Congressional instructions. Upon receiving Franklin’s notification that Provisional Articles of Peace were proceeding to Congress under passport from the English king, Vergennes replied with asperity, "I am at a loss, sir, to explain your conduct and that of your colleagues on this occasion." Franklin adroitly warned the French minister that the misunderstanding should be kept a secret since "the English... flatter themselves they have already divided us."  

Lee, totally unable to anticipate or comprehend Franklin’s adaptability, wrote a few hours before arrival of the peace articles that Franklin was keeping Congress in the dark and as a result the war would continue. On hearing of the peace, he quickly veered to charges that Franklin was guilty of treachery and was meanly envious and selfish.

At various times Franklin urged Congress to make his grandson, William Temple Franklin, a minister. In a letter to John Adams, Samuel Osgood, member of Congress from Massachusetts, expressed his unwillingness to comply, saying, "I am sure at present, that Congress will not make him a Minister; and hope the Period never will arrive. It is said he has served an Apprenticeship:

49 Wharton, *Diplomatic Correspondence*, VI, 140. 50 ibid., p. 144.
But with such a Master, and such Examples, he must be tenfold the worse for it. "52

It may be that Franklin had aroused Osgood's resentment to some degree by his unfortunate choice of terms in an address to King Louis XVI. Carrying out an order from Congress that he request additional funds, Franklin referred to "the King their ally and Father." A copy of a letter from Vergennes to Luzerne contained an allusion to Franklin's words. As recorded in the hand-writing of Elbridge Gerry of Massachusetts, Congress resolved forthwith:

That the Minister of the United States at the Court of France be informed they disapproved of the use of any terms or measures that hold up the idea of their dependence on any foreign power as their Father; it being inconsistent with the dignity of the United States. 53

Franklin returned to Philadelphia in September of 1785, nearly two years after he had written to remind Congress of its promise to release him when peace should be accomplished. The day following his arrival he received a visit from the President of the Congress, Richard Henry Lee. 54 He was allowed to keep a gift from Louis XVI, a magnificent portrait of the monarch set with 408 diamonds. 55 He did not fare as well with regard to Congressional reward or the settling of his accounts, for the Congress tendered him no vote of thanks and it left his accounts unsettled. 56


53Ford, JCC, XXV, 589-90. Entry dated September 19, 1783.


55Ibid., p. 505; and Van Doren, Benjamin Franklin, p. 722.

56Fay, Apostle of Modern Times, p. 506.
It is reasonable to suppose that a deterrent to adjustment of Franklin's financial affairs lay in Arthur Lee's presence on the Board of Treasury from 1785 until the inauguration of the new government under Washington in 1789. 57

In April of 1785 James Monroe, then in Congress, wrote Thomas Jefferson that Lee's name was in nomination for the treasury position and resignedly added, "The fact is we can get none better than Mr. A. L. and shall upon this occasion vote for him." Jefferson replied, "I am sorry to see a possibility of A. L.'s being put into the treasury." Lee's lack of talent for the office, along with his propensity for rummaging through old accounts caused Jefferson to rue the appointment. 58

As late as December, 1788, less than a year and a half before his death, Franklin made a final effort to obtain a financial settlement for his foreign service. In a letter to Charles Thomson, secretary of the Congress, he mentioned the liberal provisions European countries customarily made for former ministers, considering the unavoidable injury their personal business affairs suffered through foreign service. He implied a desire for a western tract of land and pointed out the recent additional grant Arthur Lee had obtained for his pre-Revolutionary representation of the colonies in England, a service Franklin and Bollan had rendered also. Moreover, he reminded Thomson, both Lee and

57DAB, XI, 98.
58Burnett, Letters of the Continental Congress, VII, 92, and n. 16, p. 92.
John Jay held good posts in the government at the time he was writing. He reviewed the hardships his duties had entailed and listed his various contributions to the American cause. 59 Congress did not acknowledge receipt of Franklin's eloquent behest. 60

Undoubtedly Franklin's indignation over Lee's material rewards sprang in part from the action of the Massachusetts General Court of 1780 in granting Lee 6,000 acres of land "for His Services and Expenses, as Agent for the House of Representatives of This State, in Great Britain in 1775 After the Return of Dr. Franklin." 61

Franklin served as a member of the Constitutional Convention, and although he did not approve all parts of the document, he consented to the Constitution because, he said, "I expect no better, and because I am not sure that it is not the best." 62 According to his biographer, the younger Richard Henry Lee, Arthur Lee "deeply and solemnly investigated the theory, principles, and provisions" of the Constitution, viewing it with jealousy and opposing its adoption. The biographer then concluded with the remark, "It is known that

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59 Smyth, Writings of Franklin, IX, 692–93.

60 Van Doren, Benjamin Franklin, p. 765.


62 Smyth, Writings of Franklin, IX, 608.
his dislike... greatly abated if it were not entirely removed, by the amendments he lived to see adopted.\footnote{Arthur Lee, I, 173-74.}

Arthur Lee applied to President Washington for appointment as Justice of the Supreme Court, citing his call to the bar at Westminster Hall many years before and a desire to return to the profession.\footnote{John W. Herndon, "Applications of Virginians for Office during the Presidency of George Washington, 1789-1797," \textit{William and Mary Quarterly}, 2d Series, XXIII (April, 1943), 174; and Freeman, \textit{George Washington}, VI, 219.} The first President sought advice from James Madison in August of 1789, saying "What can I do with Arthur Lee?... I cannot bring my mind to adopt the request."\footnote{Fitzpatrick, \textit{Writings of Washington}, XXX, 393.} Madison's solution was probably what Washington did--nothing.\footnote{Irving Brant concurs in this opinion. James Madison, Vol. III; \textit{Father of the Constitution, 1787-1800} (6 vols.; Indianapolis: Bobbs-Merrill Company, 1950), pp. 283-84.} In the same manner, Franklin met polite but rigid refusal when he requested of Washington an appointment for William Temple Franklin. Another of Franklin's grandsons, Benjamin Franklin Bache, failed to obtain from Washington the postmaster-generalship which he sought.\footnote{Fay, \textit{Apostle of Modern Times}, 1. 508.}

Benjamin Franklin died in Philadelphia on April 17, 1790, at the age of eighty-four.\footnote{Van Doren, \textit{Benjamin Franklin}, p. 779.} Arthur Lee, retired from the Board of Treasury, went to live on his estate, "Lansdowne", in Virginia, where he died on December 12, 1792,
a few days short of his fifty-second birthday. 69 The stormy relationship was ended. Begun in England in 1765, its influence had permeated the lives of both men; it had enmeshed august councils in its various aspects; and it had drawn into its vortex men on both sides of the Atlantic. The complexities of the relationship would continue to be the subject of analysis and debate on the part of historians from that day to the present.

CONCLUSION

Causes of the differences between Benjamin Franklin and Arthur Lee, which eventually deteriorated into unrelieved bitterness, fall into distinct categories. First there were the widely divergent backgrounds of the two men. Lee came from a family of wealth and power, and this fact made a world of difference to him. He assumed a superiority inherent in his family's position. He took great pride in the superb formal education his brothers provided for him, an education of which he apparently took full advantage during its course and afterward throughout his life. To Franklin, self-educated and coming from a family of tradesmen, the proof of his own ability lay in the multiplicity of his meritable accomplishments, and he undoubtedly was not impressed to any sensible degree by the younger man's family or education. Most likely, each man clearly understood the other's viewpoint in the matter yet could not accede it.

The intensely different dispositions of the two were important contributing factors to the disintegration of their friendship. Lee's constant habit of violently approving, adamantly opposing, and outspokenly criticizing any and all people whom he disagreed, contrasted sharply with the glassily smooth adaptability of the Pennsylvanian, his imperturbable manner, and his cool contempt when veered off at an emotional tangent as he so frequently did. That Lee was basically right as to the cause of his rages against the subtleties of
ranklin is beside the point. The irrationality of the manner of his attacks put
Franklin im at a disadvantage from which there was no recovery. Franklin was able to
it back calmly in the comforting knowledge that Lee would destroy his own
ause.

The deference due to Franklin's greater age and experience, his estab-
ished position when Lee first met him, even his sponsorship of Lee in the Royal
society evidently were galling to the Virginian as he impatiently waited for his
lder acquaintance to move aside and make way for his own youthful ability and
mbition to assert itself. Too, in the early period of their association, Lee
ad friends who influenced him against Franklin.

Rivalry over land deals served as a financial whetstone to the keenness of
heir antagonism. Although neither was able to gain mastery in the contest, each
ould feel that but for the competition of the other, his own suit might have
revailed in time.

The dual representation of Massachusetts provided another arena in which
Lee chafed at his subordinate role, eagerly wishing he might supersede the aging
Franklin, at times discrediting him in correspondence with members of the
Massachusetts House. Still he found it possible to praise Franklin's handling of
the Hutchinson affair. After Franklin's return to Philadelphia, Lee's brief
respite when he was secret correspondent for the Congress gave him a taste of
personal independence and authority sufficient to augment his longing for more.

Then came the diplomatic assignment to Paris and Lee's total
isenchantment as Franklin, the acknowledged figure of international influence, joined with the despised Silas Deane. The rift widened and deepened while accusation and defense flew back and forth across the Atlantic. The ultimate triumph of Franklin became apparent with the French rejection of Lee and his subsequent recall by the Congress. For the remainder of their lives there were com both sides the thrust and counterthrust of imprecation, the blocking of opes and designs, and eventual stalemate.

At worst their enmity endangered the new nation; at best it dissipated energy that would have been better spent on positive action. Congress frittered away valuable hours on the feud, and the shadow of French displeasure threatened should the beloved Franklin suffer at the hands of the pro-English Adams-Lee cabal.

The personal lives of Franklin and Lee suffered from the quarrel. Both lived to experience denial of dearly-wished goals for which the unpleasant history of their relationship was to blame at least in part. There is an implied listaste in today's history books for the graceless manner in which two highly intelligent and capable men wrought their worst, each against the other.

There is no logical speculation as to what would have happened if Lee had been victor in the diplomatic contest. Only Franklin held the key to the French alliance and only he could maintain that alliance through and beyond Yorktown. It was not within the character or philosophy of Lee to accomplish what his enemy was able to do. Yet the flaws in Dr. Franklin's make-up which were the
subject of Dr. Lee's most vehement diatribes, certainly existed, and recent historians have allowed the halo of single-minded devotion to patriotic duty once bestowed on Franklin to lapse into some degree of tarnish.

Nevertheless, the pragmatic, cosmopolitan Franklin, who could recommend that one stoop when he reaches a low place,\(^1\) accomplished noble objectives for his nation. The unrelenting Lee, so imperfect in his own disposition and manner, could demand standards of decent and honorable conduct on the part of his country's officials. In spite of the ultimate deterioration of their relationship, both made important contributions toward the realization of their common goal, the independence of the United States of America.

\(^1\)Bemis, *Diplomacy of the Revolution*, p. 51, n. 16.
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