



DR. JAMES TILTON

TIMOLEON'S BIOGRAPHICAL HISTORY OF DIONYSIUS, TYRANT OF DELAWARE

Edited by JOHN A. MUNROE *

PREFACE

IN A WILMINGTON newspaper, *The Delaware Gazette, or the Faithful Centinel*, for July 4, 1787, there appeared a letter by "Timoleon." Addressed "To the People of Delaware," the letter was the sixth of a series in which there were at least seven letters, but it is the only one extant, for few copies of the *Delaware Gazette* have survived from this year.

It was Dr. James Tilton (1745-1822), a physician of Dover, who took the title of Timoleon, the liberator of the people of Syracuse from the tyrant Dionysius. In the surviving sixth letter, Timoleon promised some day to give more certain evidence that a tyrant existed in Delaware: "In some future paper," he wrote, he would give evidence "of a *tyranny* and *tyrant* too, within our *little territory*." And in a postscript to his letter he referred again to "this skulking *tyrant* of ours," and declared, "Timoleon has engaged to collect his whole history together, and draw his portrait at full length so as to be known by everybody."

The "more extensive performance" then promised was published in Philadelphia in 1788 as *The Biographical History of Dionysius, Tyrant of Delaware, Addressed to the People of the United States of America*. The phrase "by Timoleon" is the only clue to the authorship to be found on the title page, but two independent sources identify Timoleon. One is a manuscript by Thomas Rodney (1744-1811), younger brother of Caesar Rodney and a participant in some of the events described by Timoleon. His "Notes on Timoleons Biographacal History of Dionysius" are printed hereafter as an appendix, with permission of the Library of Brown University, where they are to be found. Though acknowledging it to be "the general opinion that Doctor Tilton is the author," Rodney suggested that "more than one person . . . lent a hand."

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The second source on Timoleon's identity is the *Life and Correspondence of George Read, a Signer of the Declaration of Independence*, published in Philadelphia in 1870, and written by Read's grandson, William Thompson Read (1792-1873). Both sources agree that the object of Timoleon's anger was George Read (1733-1798), a distinguished New Castle attorney and the dominant figure in Delaware politics during most of the last quarter of the eighteenth century.

Of course George Read was neither a tyrant nor a tory. He was conservative in his political attitudes, reluctant, like his friend John Dickinson, to abandon old institutions lightly lest chaos result. Read opposed declaring independence in July, 1776, but signed Jefferson's Declaration once it had been adopted, thereby risking his neck with his colleagues. He favored a moderate policy toward the large number of Delawareans who were, at most, only lukewarm toward the Revolution, for he preferred domestic unity and peace to factionalism and strife.

Read's policy was supported by Delawareans not because of their terror of a tyrant but because of their respect for a statesman who offered them a moderate policy that reflected their own desires. Read and his partisans were least successful in Delaware when loyalty oaths and wartime hatred kept a substantial number of Delaware voters from the polls; they were most successful when the elections were most democratic. If Read did represent the old order, it was an order that was willing to submit to readjustments. And the respect in which he was held was such that he was given almost any office he desired. He represented Delaware in Congress in the early years when service there seemed most important; he was the dominant figure in the state legislature in the Confederation years when Congress seemed weaker than the states. He sought a stronger national union by representing Delaware at the Annapolis and Philadelphia conventions of 1786 and 1787, and when the Federal Constitution that he helped write and ratify was adopted, he was sent to the new Senate. From that body he resigned only when he was offered his choice of the three most important judicial offices in Delaware. And the party that he had led in Delaware proved so strongly entrenched that it continued in power, under one name or another, for fifty years after his death in 1798.

George Read was the leader of the forces that sought to insure continuity and tradition in Delaware politics; James Tilton represented the spirit of reform and change. Read was a member of the Church of England, the church of the early English settlers in Delaware and of most of the many migrants from the Eastern Shore of Maryland. Tilton was a Scotch-Irish Presbyterian, a member of the largest immigrant group of his century, a people unsympathetic to the English church or state. Attorney Read was a spokesman for law and precedent; Dr. Tilton, for science and revolution. To his opponents Read embodied the smug assurance of the contented majority; to his opponents Tilton symbolized the insolent aggressiveness of the ambitious minority.

But Dr. James Tilton was no mere symbol; he was an original. In his housekeeping, in his profession, and in his politics he showed vigor and imagination. In housekeeping he took his advice from Vergil and lived simply, so far as he could, on the produce of his own farm. He ate his food mixed together in one bowl, to save the expense of unnecessary utensils. For drink he advocated milk, apple brandy, and corn whiskey as domestic products infinitely preferable to pernicious foreign imports like tea and madeira. For clothing, he extolled the virtues of American manufactures and gleefully flicked the tail of his homespun coat in the face of foreign diplomats.

In his profession he gained early distinction as a hospital director in the Revolution by advocating a system of isolated, ventilated log huts, which decreased the mortality rate among the sick at the Morristown camp and elsewhere. His publication in 1813 of *Economical Observations on Military Hospitals: and the Prevention and Cure of Diseases Incident to an Army* led to his appointment later that year as surgeon-general and to his undertaking, at sixty-eight, a survey of medical facilities on the Canadian frontier. Near the close of the Revolution he had refused a professorship in medicine at the University of Pennsylvania, from which he had two degrees, to return to practice in his native Dover. But after a few years, convinced that the climate of Kent County was conducive to malaria, he moved to the outskirts of Wilmington and kept bachelor hall in the house that is now the University Club.

His personal dynamism was too exhilarating to allow Dr. Tilton to be content in the quiet practice of medicine. He joined organiza-

tions (the Cincinnati, the Abolition Society, the Lyceum of Delaware, the Patriotic Society, the Agricultural Association, the Medical Society—of which last society, as of the Cincinnati, he was the first president), contributed articles to scientific journals (the *Memoirs* of the Philadelphia Society for Promoting Agriculture and the *Medical Repository* of New York), and supported reform movements and public improvements of many kinds, including a state penitentiary system and a transpeninsular canal. In the papers of Timothy Pickering, onetime Secretary of State, at the Massachusetts Historical Society, is a letter from a federal officeholder in Wilmington, Collector Allen McLane, dated December 10, 1798, reporting “an unlawfull assembly of disorganizers” (which meant anti-Federalists)—two grocers, a dealer in dry goods, a coachmaker, a silversmith, a printer, a tanner, a miller, and the proprietor of the Dover mail stage—at the home of Dr. Tilton, where they met Dr. George Logan, a Senator from Pennsylvania who had just returned from an unauthorized peace mission to France.

It was as a “disorganizer” that George Read and his friends viewed Dr. Tilton. Read made no public answer to the abuse, but a Kent County supporter who signed himself “An Independent Freeholder” defended Read in the *Delaware Gazette* for November 22, 1788. “Is it not plain,” declared this writer, “that *party* spirit and *private* resentment . . . are the leading principles” behind Timoleon’s charges, particularly in view of the fact that the pamphlet was issued shortly before the October elections? Yet “Independent Freeholder” confessed that the fault should be shared: “The truth is that *both* sides are too much influenced by a *party spirit*, from whence *merit* is often not properly countenanced; sometimes wholly neglected. The cry of *Whig* and *Tory*, of *Church* and *Presbyterian*, too much prevails.”

Timoleon’s *Biographical History of Dionysius* is a political diatribe, violently prejudiced and partisan. Yet it is of considerable historical value and a rare collector’s item, and for these reasons it is reprinted here. It is valuable because, with all its bias, it is the only contemporary history of Delaware politics in the time of the Revolution and the Confederation. It indicates a development of the court or proprietary party—faction would be a more exact term—of the colony into the moderate, conservative party of the

new state; and at the same time the development of the old country party into the radical Revolutionary party of James Tilton.

Tilton's pamphlet hints, moreover, at the future projection of the history of political parties in Delaware. Timoleon quotes Thomas Jefferson as "a most liberal writer," and Timoleon and his friends, particularly his Presbyterian friends of Wilmington, are to become the bulwark of the Jeffersonian party in Delaware. Read and his supporters, particularly the Episcopalians and their country cousins, the Methodists, are to become the victorious Federalist party.

Written in 1788, just as American politics were to be adjusted to a new frame of reference, the Federal Constitution, this pamphlet gives us assurance of the unanimity of support given to the new Constitution in Delaware. "Nobody in the state opposed its establishment," Tilton declared. "All were agreed in ratifying the federal constitution," he wrote in regard to the controversy in Sussex County at the election of delegates to the ratifying convention, "and it could be an object with nobody to set the election aside."

Tilton adds color to the political history of the times—as, for example, by his story of the Sussex Countian at the polls who "swore his teeth had grown an inch on that day, that he might eat Presbyterians and Irish men," and by his condemnation of the "indolent habit in the inhabitants of the remoter parts of New-Castle county in neglecting to attend at the general election, except when a new sheriff is to be introduced." With all his perceptiveness, however, he fails to foresee the political role to be played in the next two decades by the greatest of Delaware statesmen, John Dickinson. Binded by his anger, Tilton sees Dickinson only as the political ally and close personal friend of George Read; he does not recognize those qualities that will bring Dickinson, while retaining his friendship with Read, to Tilton's side in protesting the Jay Treaty, in welcoming George Logan home from France, in founding the Jeffersonian party. Each man had his contribution to make: Read as the conservator of established systems, Tilton as the innovator and reformer, and Dickinson as the pacificator, the friendly link between the other two.

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T H E
BIOGRAPHICAL HISTORY
O F
Dionysius,
Tyrant of Delaware,
ADDRESSED TO THE PEOPLE OF THE
UNITED STATES OF AMERICA.

By TIMOLEON.

He who understands to govern a People by Corruption, and to lead them by a false Interest, against their true Interest, cannot boast the Honor of the Invention; the Expedient is as old as the World; and he can pretend to no other Honor, than that of being an humble Imitator of the Devil.

Instructive Maxims, Pol. and Mor.
See Col. Mag. for Nov. 1787.



PHILADELPHIA:
PRINTED in the YEAR 1788.

To the People of the United States of America,
FROM A SENSE OF
Common Interest,
AND
Common Danger,
THIS HISTORY OF
DIONYSIUS,
Tyrant of Delaware,
Is most Respectfully addressed,
BY THEIR DEVOTED SERVANT,
TIMOLEON.

August 10, 1788.

THE BIOGRAPHICAL HISTORY OF DIONYSIUS, &c.

SECTION I.

Introduction.

IN offering some political observations to my fellow citizens of Delaware, the last year, it may be remembered, that, without an amendment of the political system of my native state, I promised a more extensive performance—The Biographical History of Dionysius, Tyrant of Delaware—to be addressed to my countrymen of the United States of America. The event more than justifies the undertaking. Injury has been added to insult; and no year of the Tyrant's reign has been marked with more pointed injustice and cruelty to individuals, or more disgrace to the state, than that immediately past. I therefore hold myself bound to fulfil my engagements, so far at least, as relates to the Tyrant himself. As to those lieutenants and adjutants, whom he hath taken to his assistance, in corrupting and oppressing the people, whose histories are also promised, and all conspire to illustrate that of the Tyrant, they shall follow in due season, if necessary. But I still hold myself at liberty to decline this disagreeable task, as soon as there shall be no further occasion for prosecuting the work. Uninfluenced by any personal motive whatsoever, this history is undertaken with a view to a common benefit only. When this is attained, the author will be content to rest from his labours, and not before.

This profession is in no wise inconsistent with the personal application of this performance. It has availed nothing to remonstrate against measures. The subject of public credit, particularly, has been exhausted, with no better effect, than the utter destruction of it. Since the more delicate means have failed, it only remains to expose the authors of our disgrace and misfortune, as the last resource for obtaining the aid and assistance we stand in need of.

I mean not to indulge the fancy of *Tacitus*, or the wit and humour of *Moore*; but with the candor of *Ramsey* to join the

unreserved plainness of *Common Sense*. The simple truth well told, will make my story of that extraordinary nature, as sufficiently to engage the reader. And I have only to request of those who may think the subject of an interesting nature, to examine well into the truth of the facts alledged, and then to judge of those inferences and reflections, which naturally accompany this kind of history.

Although all tyrants are proper subjects of satire and lampoon, and none can be better fitted for, or more deserving of such treatment than ours, this history shall, nevertheless, spare him on that score. It is intended not as an address to the fancy and passions of the weak and unthinking; but as a solemn appeal to the sober sense and understanding of enlightened minds. Private character, therefore, shall have no admittance into this work. The public or political character of *Dionysius*, shall alone be exposed. His family, only, are interested in the former: All America have an interest in, and a right to know the latter. By means of intrigue and faction, he has found it but too easy to maintain his power, and practice the most unrighteous administration, within the small circle of *Delaware*. We have some curiosity to know whether his address will serve him, at the more impartial tribunal of the continent. It is also hoped and expected, that the people of *Delaware*, themselves, are prepared at this crisis, by awakened attention, to receive the truth, and be duly guarded against the wiles and impositions of a man, who does not hesitate, in any instance, to sacrifice the honor and interest of the state, to his own ambition.

The nature and design of this performance necessarily requiring brevity, does not admit of descending to minute particulars, of little or no importance. The great outlines, the strong features of character and conduct, are all that are necessary to our present purpose. The historian of more leisure, who shall record the transactions of Delaware, may note minutiae, that would only lengthen out this treatise unnecessarily. The most important facts are established by authentic records of the state; and the whole evidence shall be so arranged, as we trust will sufficiently fortify the truth of our history, against party and prejudice, and carry conviction to every impartial inquirer.

As this history will necessarily involve in it, those causes and events, which, during the revolution, imposed on Delaware the appellation of a *Tory State*, every honest man, as he reads, will be

induced to reflect, how far he may have been imposed upon, by the arts and assiduity of the *Dionysian* faction, and will be doubly guarded in future. Without the state, all intelligent men will readily determine, that the danger of such a character as is here described, will not be confined to Delaware, especially under the new constitution of the United States. They will recollect what is past, and take care for the time to come.

It is a vanity the author has a right to indulge, that no mean person has ever been suspected of employing his signature. The host of pedagogues and piddling geniuses employed to calumniate rather than answer him, have designated as the objects of their reproaches, none but men of known integrity, and strongly marked as decided revolutionists:* such indeed as were most likely to oppose a corrupt and tyrannic administration. So far as names and reputation could influence, these would be of sufficient authority: But as this history is intended to rest upon its own merits alone, the author has assumed a name of no other importance, than as it is adapted to the nature and design of the work.

As it is not wished to profit by names or characters, so neither is there the least desire to injure them. It has been promised,† and is therefore expected, that the insolent abuse of last year, will, on this occasion, be multiplied many fold.

It cannot be expected of a writer in a public cause, that he should undertake the defence of all who may be reproached, for what he has said or done. Those gentlemen who may feel themselves in any wise scandalized by the writings of Timoleon, have an easy redress, by disclaiming the work. As to the real author, were it the fashion, he would as leave sign his proper name, as any other; and should our Court Sycophants happen to guess right at him, he is not so weak a man, as to be under any apprehension, they can injure him in the good opinion of any person, whose esteem and friendship he has any regard for. At all events, and at the risk of

* The Chief Justice, and the President of the state society of the Cincinnati, have been specially pointed out. In the contemptuous language of our court, those are *Little Tim*, and *Big Tim*.¹

† By a Farmer.²

¹ William Killen and James Tilton. The numbered footnotes are added by the editor of this edition; the footnotes introduced by asterisks or daggers are Timoleon's.

² "A Farmer" contributed letters to the *Delaware Gazette* in 1787, but none of them survive. His identity is not known.

every possible consequence, he is resolved to obey the dictates of his conscience, in exposing to a fair and open view of the world, a shameful tyranny, the more disgraceful to his native state, as it has not been accomplished so much by open force, as the lesser [baser] means of *deception, seduction, and corruption.*

SECTION II.

A general Account of Dionysius, previous to the declaration of Independence.

IT is a circumstance of peculiar aggravation to the tyranny of DIONYSIUS, that he was born in *Delaware*.³ The love of country had as little restraint upon his ambition, as a sense of morality. With liberal advantages in the profession of the law, he was esteemed a plodding rather than a sprightly genius. But without abilities to take a fair lead of his cotemporaries, his earliest life is marked with a superior dexterity in all the arts of intrigue.

The simple manners, and small advances in civilization at that time, in Delaware, rendered it a stage less adapted to the cultivation of his native cunning, than the more courtly province of Maryland. At his first entrance on the business of his profession, Maryland was his principal theatre; and it was not until he entered into views of ambition, that he rode the circuit of Delaware.⁴ As the law was in high cultivation in Maryland, he must have made some improvement in his legal knowledge, during his practice there. But what was of more consequence, he acquired an obsequious and courtly form of manners, and had an opportunity of observing and becoming well acquainted with the means employed for fleecing the people, and the greater advances made by Lord Baltimore, in subjugating and oppressing that province, than had been attempted by the proprietaries of Delaware.

Although the Penn family had not made such advantages [ad-

³ George Read was born in Cecil County, Maryland. William Thompson Read, *Life and Correspondence of George Read* (Philadelphia, 1870), 9.

⁴ Apparently Read began the practice of law, probably in 1753, in Philadelphia, where he served his apprenticeship. He moved to New Castle in 1754 and commenced a practice in the three Delaware counties and the adjacent Maryland counties. *Ibid.*, 12-13, 14.

vances] in subjugation, as their neighbour Baltimore, yet they were making the best progress in their power. For this purpose, it was necessary to engage in their faction, some leading men of abilities. Neither the talents, nor connections of DIONYSIUS, entitled him to their first choice; but he was the first among his cotemporaries, to accept upon their own terms: and from that day to this, he is truly to be considered as a proprietary retainer.⁵

With this connection, it is easy to conceive how DIONYSIUS arrived at great power and influence in Delaware. The proprietaries, or their Lieutenant Governor, appointed all the officers of the government, by the advice and recommendation of DIONYSIUS and his faction. Superior genius and talents weighed lightly in the balance, in competition with creative powers: and happy was he who could gain the patronage of this mighty man.

It is not necessary to our purpose to shew, by innumerable instances that might be adduced, how totally the government was subjected to the proprietary faction, by the time of the revolution: especially as this leading trait of character will be evinced by the whole history of DIONYSIUS; that he has never relinquished his proprietary connection; that he has on all occasions during the revolution, betrayed the people, whenever their interest came in competition with that of the proprietaries; and is now as firmly attached to their interest, and zealously engaged in their service, as ever he was.

From the memorable æra of 1763, the progress of British jealousy, and consequent attempts at arbitrary power and domination over the colonies, are notorious. The nature and history of our troubles, from the stamp-act, in 1765, to the commencement of hostilities, and the succeeding events of the war, are also well known, so far as respects transactions that had a relation to the whole union. But there was a peculiarity in the proprietary provinces, that may not have been generally observed, especially by people who resided in the kingly governments: for certainly less notice has been taken of the circumstance I am about to mention, than it deserved.

At the commencement of our troubles, the proprietaries had a common interest with the people at large. These petty sovereigns

⁵ Read was appointed attorney-general for the three Delaware counties in 1768 and retained the position until after his election to the Continental Congress in 1774. *Ibid.*, 15.

were as much afraid of having the powers and emoluments of government wrested from them, as the people were of losing their liberties. Hence during the stamp-act, and so long as we humbly memorialized the sovereign as his liege subjects, the proprietaries and all their connections, throughout their several governments, were in strict league with the people. We all remember *Dulany's* celebrated piece written against the stamp-act. In Pennsylvania, the relations and friends of the proprietaries were most active in Congress, and forward to enter into our army. *Dionysius* in 1765, attended the first American Congress at New-York, and acquitted himself to the satisfaction of the people of *Delaware*.⁶ He was again appointed to the Congress which met in 1774—favored the non-importation agreement, the appointment of committees of inspection, and he did not oppose the association and mustering of the militia. During this period, toryism was chiefly confined to the kingly governments. The greatest unanimity pervaded the proprietary colonies.

But the bare mention of independence by John Adams was a mighty scarecrow exceedingly reprobated, by every proprietary connection. The writings of *Common sense* early in 1776, like the voice of inspiration, fired the minds of all unbiassed men, with a zeal for independence, and effectually cooled the patriotism of every proprietary tool. In May, of the same important year, Congress recommended it to the united colonies respectively, to adopt such independent government, as in the opinion of the representatives of the people, would conduce most to their happiness and safety. By this time the tables were so far turned, that that toryism which was subdued in the kingly governments, was paramount in the proprietary colonies. In Maryland, the proprietary influence so far prevailed in their Convention, that they rejected the recommendation of Congress, and entered into a set of resolutions alledged and believed to have been drawn up in Philadelphia. The struggles at this time in Pennsylvania cannot be forgotten. As a specimen of what passed in *Delaware*, I hereunto subjoin the instructions of the whigs of Kent county to their representatives, and the remonstrance of our proprietary agents, who were the ring-leaders in this business, and by this time had associated all sorts of tories.

⁶ Read did not attend the Stamp Act Congress of 1765. See Rodney's note in the appendix.

Instructions of the Subscribers, Freemen and Inhabitants of the County of Kent on Delaware, to the Honorable Cæsar Rodney, William Killen, John Banning, John Haslet, Thomas Rodney, and Vincent Lockerman, Esquires, their Representatives in Assembly.

WHEREAS the representatives of the united colonies in North America, assembled in Congress, at Philadelphia, on the fifteenth day of May, did first declare, "That his Britannic Majesty, in conjunction with the lords and commons of Great Britain, has by a late act of Parliament, excluded the inhabitants of these united colonies from the protection of his crown, &c. and that it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies, &c. And therefore resolved, that it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs, has been hitherto established, to adopt such government, as shall in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents, in particular, and America in general."

And whereas it is our opinion, that our present government is not "Sufficient to the exigencies of our affairs," and we having full faith and confidence in the virtue and wisdom of the Congress, and being convinced of the propriety and necessity of complying with the above recommendation, and not doubting but it will answer the valuable purpose thereby intended.

We do therefore hereby instruct and require you to exert your utmost virtuous endeavours in assembly to have the same complied with, always saving to the freemen and inhabitants of this colony, the full enjoyment of their just rights and liberties, agreeable to the constitution, laws, customs and usages of the said colony, so far as the same are not injurious or destructive to the union, and general safety, and happiness of the united colonies.

But in the case the house of assembly shall refuse or neglect to comply with the above recommendation; we do further hereby instruct and require you to exert your utmost virtuous endeavours, to get the said assembly to direct the appointment of a convention in this colony, to be held for the purpose aforesaid, and not to consist of less than ninety members, and if this shall be denied, that you then withdraw yourselves, and dissolve the said assembly.

We trust that you will discharge your duty as before directed with the greatest fidelity, and in such manner as shall best conduce to the happiness and safety of your constituents in particular, and America in general.

To the honorable the Representatives of the Freemen of the Counties of New-Castle, Kent, and Sussex, on Delaware, in Assembly met.

The Address and Remonstrance of the subscribers, Inhabitants of Kent County, on Delaware.

WHEREAS to our great concern and surprize, we have been informed that a paper called a Petition, Remonstrance, or Instruction to the house of assembly of this government, has been handed about among the good people of this county, purporting a change in the constitution of this government, upon principles which we conceive must be erroneous and unsound, and by no means supported, or even countenanced by the late resolution of the continental congress, entered into May the 15th, 1776; upon which resolution we suppose said Petition, Remonstrance, or Instruction, is pretended to be founded, viz. "That it be recommended to the respective assemblies and conventions of the united colonies, where no government, sufficient to the exigencies of their affairs, has been hitherto established, to adopt such government, as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."—Which we conceive must refer only to such colonies as are in confusion, from the prorogation or dissolution of assemblies; and in no measure intended to affect the good people of this government, whose assembly has been, and still is competent and adequate to the exigencies of their affairs; and have had all due obedience paid to their acts and resolutions by their constituents.

But the movers of the above Petition, Remonstrance, or Instruction, as we understand, having taken the said resolution in a different sense, (as if the congress had intended another mode of representation and government, than by assemblies, under which we have long considered ourselves a happy people, and which we look up to with reverence and the warmest affection) we should think it criminal, not to declare to your honors, our sentiments, which we

are fully convinced are those of a large majority of the inhabitants of this county, and, as we believe, of this government.

We beg leave to observe, that the present unhappy disputes in which the colonies are involved, were begun for the defence and preservation of the chartered rights and privileges of the colonies, and their then forms of government. And we humbly apprehend, that the changing the constitution at this critical period, would be acting contrary to the avowed principles on which the opposition was made to the oppressive measures of the British ministry, would tend very much to disunite the people, and be productive of the most dangerous consequences.

The experience of all ages and nations, clearly manifesting, that constitutional changes never fail to alarm the people, and rouse their fears; and unless they are gone into with the greatest delicacy, deliberation and caution, and with the entire approbation of the people in general, are attended with the most violent convulsions, often fatal to their liberty and property.

We farther beg leave to say, that if the honorable house should adopt our ideas, and determine to continue to exercise the powers the constitution hath invested them with, we are firmly persuaded they may rely upon the support of their constituents.

We therefore humbly pray, that the house may not, by dissolving itself, or otherwise, yield up any of the powers the constitution hath entrusted them with, under the pretence of conveniency or necessity. But retaining them in their own hands, may continue to exercise them for the good of their constituents; and we, as in duty bound, &c.

"These were times that tried men's souls."—DIONYSIUS could no longer impose on men of sagacity, who were not willingly deceived. Maryland soon subdued all proprietary opposition. Pennsylvania also passed through this difficulty with honor. But, alas! for Delaware, subjugated as she was, with the chief powers and emoluments of government in the hands of proprietary agents; drained of many of her best whigs, by the regiment raised at that time; and seduced by the arts and assiduity of the proprietary adherents, she fell even from the attainments she had made; and under the absolute direction of DIONYSIUS, was held in constant readiness to be delivered up to the enemy, if ever a practicable opportunity had offered. All this will appear manifest from what

follows: and that DIONYSIUS must have sunk with DULANY, and the proprietary friends in Pennsylvania, under the reputation of a Tory, and lost all power and influence in any state of the union, except Delaware.

Independence was now the question: and although the whigs made some exertions, by instructing their representatives, the proprietary tools surpassed them in zeal and activity. Runners were employed in the two lower counties particularly, to circulate their memorials and remonstrances against independence. The fears of the people were most industriously alarmed with the irresistible power of Great Britain; and the *Church* was put into imminent danger from a *Presbyterian* faction. Every other argument, which could be supposed to influence an uninformed people, who acted by the advice of others, rather than from the exercise of their own reason, was inculcated with great assiduity. In short, this was the time, when the minds of the people of Delaware were most poisoned. Multitudes were induced, for the first time, to oppose by remonstrances, the recommendation of congress. This extorted reproaches from the revolutionists. A factious spirit was created, which established a line of distinction between Whigs and Tories, that lasted throughout the war.

Although DIONYSIUS lay snug during these transactions, it was easy to discover his directing hand. His friends, indeed, in circulating the remonstrances against independence, did not hesitate to declare they were to be put into his hands, and used at his discretion. Every man elected or appointed to office, under the influence of these false colourings, acted in strict concert with him, or rather under his direction and influence. It was his repeated declaration, *There was not a tory in Sussex county*. And when Tom Robinson was arrested by the light infantry of Dover, as a person made infamous and scandalous, by the publication of the committee of inspection of Suffex, DIONYSIUS caballed for a week, until he established his feat in the house of representatives.⁷

But to explain the attachment and connection of DIONYSIUS

⁷ On the arrest of Thomas Robinson, see Rodney's note in the appendix. For further information on Delaware Tories, see Harold Bell Hancock, *The Delaware Loyalists* (Wilmington, 1940), and various articles by the same author in *Delaware History* magazine: "Thomas Robinson," IV (March, 1950), 1-36; "The New Castle County Loyalists," IV (September, 1951), 315-353; and "The Kent County Loyalists," VI (March and September 1954), 3-24, 92-139.

with Robinson, and the other representatives from Sussex, it will be necessary to give some account of this county, and their election at Lewes, in October, 1775. This Robinson was a man of property, and had been a leader in the proprietary faction for some years. Perfectly unprincipled, and subservient to direction, he of course at this time, became a leader in opposition to independence. With all the industry of interested tools, he, and his associates of the same connection, prejudiced a majority of the people of Sussex against independence. Upon this principle it was, that Robinson, and others of the same political creed, were elected representatives of the people.

The whigs bore all this with a degree of patience peculiar to Delaware. Robinson, rendered fearless by his success, and the forbearance of the whigs, proceeded boldly in his villanies. By every means in his power, he seduced the people to break through the non-importation agreement. In particular, he purchased a large quantity of tea, and dealt it out to all whom he could persuade to use it. Having by this time a degree of contempt for all opposition, there was so little reserve in these transactions, that the committee of observation of the county, could not avoid taking notice of them. After a mature hearing, and judgment of his conduct, the committee published him in the newspapers, as an enemy to his country. It was upon this ground, the light infantry company of Dover seized upon Robinson, on his way to take his seat [in] the house of representatives, at New-Castle; and demanded of the legislature, that he should not be permitted to sit as a representative of the people, while covered with charges of so malignant a dye. Instead of regarding the iniquities of this culprit, DIONYSIUS talked in a high strain of the breach of privilege of the house. An order issued, summoning the infantry to attend the house, which they instantly obeyed. Mention was even made of imprisoning them for so daring an offence. But the spirit of New-Castle county, did not at that time, favor this measure. It was suggested, they must find means of confining a regiment or more of their militia, or they would not detain the infantry long. For many days after the examination of the witnesses, which went chiefly to an inquiry into the offence of the infantry, there was no open discussion as usual in the house. At the ringing of the bell, a minority of patriotic members met regularly: but DIONYSIUS, in secret cabal, threatened some

members, and allured others with promises, until he brought his measures to bear. Finally, it was *resolved*, that Robinson and his associate (who had also been arrested for standing in his defence) should take their seats; and the light infantry were dismissed.⁸

This transaction had a malignant influence on *Delaware*. The whigs thus brow-beaten, were discouraged, and the tories, assured of the patronage of DIONYSIUS, became bold and persevering in their arts and industry for deceiving the people. *Constitutional liberty*, an artful phrase, implying dependence, and a retention of the old form of government, was cried up in opposition to the tyranny of congresses and committees. All people were warned against the violence of *Presbyterians*, who had long ago made havock in New-England, and were now in concert with the *yankees*, no doubt for the purpose of some secret mischief. The specious epithet *moderate* was assumed by the tories, and given to all their men and measures. Every proprietary tool that could be roused up, was now brought into action. Magistrates and other officers, who in the beginning, to encourage the people to act in opposition to ministerial measures, alledged it would be most proper for men uncommissioned by the government to serve in committees, at the second election pushed themselves into these bodies, in every hundred where it was practicable: not with design to forward their measures, but, if possible, to annihilate their authority. In the committee of Kent county, some of these tools alledged, that having made the only practicable opposition, it was time now we should submit to the irresistible power of Great Britain. One *Clark*, who had been bold and insolent in urging this doctrine in the committee, was seized upon by the people of Dover, and put into the pillory; where he was pelted with eggs, and disgraced as a traitor.⁹ This man being a justice of the peace, and of some consequence in the uninformed district where he lived, in a few days found means of arming some hundreds of deluded followers, and marched them 18 or 20 miles, to be avenged of Dover. A company of light horse, which from various piques and prejudices, at this time industriously excited, had associated under officers perfectly disaffected, assembled on the road above the town, ready to act in concert with *Clark* and his associates from below. The infantry, however, commanded

⁸ See Rodney's note in the appendix.

⁹ See Rodney's note in the appendix. The suspected Tory was John Clarke.

by a man of spirit and address,¹⁰ at the shortest notice put themselves in a suitable posture to give their assailants a warm reception. *Clark* understanding this, thought proper to halt about a mile from the town, until his herd of dupes, by the mediation of a couple of clergymen, were persuaded to return home. As to the heroic light horse, disappointed of their hopes, in effecting a complete surprise, they affected the most awkward ignorance of what they were about, and every one straggled his own way. In this manner was disconcerted a plan laid by the tories, at once to be avenged of Dover, and, if possible, to quell that zealous spirit of independence, in the light infantry of the town, which from thence irradiated throughout the country.

Thus the first insurrection in *Delaware*, happened in the county of Kent. But this was soon followed by a more serious one in Sussex. Instead of collecting from a single district, the tories flocked together from the whole county. Instead of hundreds, their numbers were reported by thousands. And to quell them, it was thought necessary to require aid of Congress. Two battallions under the command of Col. Miles, and the *Delaware* regiment commanded by Col. Haslet, were sent down to Lewes for this purpose. The house of representatives also commissioned three of their own body to enquire into this affair. In this enquiry the commissioners had full evidence that the leaders of the insurrection had held correspondence with the enemies ships, then in the bay; that they had taken advantage of the general disaffection of the people of this county, to collect them under various pretexts; that they expected to have been joined by a detachment from the *Roebuck*,¹¹ but in this they were disappointed; that many of the most zealous tories had rode and laboured whole nights in their secret machinations, to accomplish this grand insurrection; and that the ignorant multitude had been stamped with bitter prejudices against the prevailing measures of the continent. All this appeared from letters and transactions, read and declared upon oath, before the commissioners. Many of the deluded wretches, terrified with the unusual appearance of the military force now in their county, confessed their guilt, and supplicating pardon for their past offences, promised the most

¹⁰ Thomas Rodney commanded the infantry.

¹¹ A British warship that cruised up the Delaware in 1776. British ships were frequently stationed off the Delaware capes to disrupt American shipping.

faithful submission in future, to all the regulations of Congress. Others, of whom it was proven that they had gone on board the ships of war, and solicited assistance against their countrymen, had absconded, and could not be taken. Finally, the commissioners ordered all those who were convicted from overt acts of an intention of joining the enemy, to be disarmed. With the utmost humility, and apparent gratitude for the lenity of their judges, they hastened to obey the mandate, brought in and delivered up their arms. The declaration of these delinquents, subscribed by a long list of their names, was returned to the house of assembly, and recorded on their minutes, where it stands as a lasting monument of disgrace to the state, as will more fully appear in the sequel.

During these transactions in Delaware, the question of Independence was agitated in congress; and the respective legislatures were instructing their delegates on that subject. From the description of the Sussex election, in 1775, and the transactions of the county afterwards, nobody will doubt that their representatives were tories or anti-revolutionists. The representatives from Kent this year, were as decidedly whigs or revolutionists. The important question, therefore, whether we should instruct for or against independence, was determined by the representatives of New-Castle. The people of this county, almost universally well disposed, were therefore the less suspicious; and DIONYSIUS had so contrived as to have a majority of their representatives, though men of specious characters, his fast friends, and totally under his direction. Thus, by means of the Sussex tories, and his friends from New-Castle, DIONYSIUS procured instructions from the house to himself and colleagues, our delegates in congress, *to oppose independence*.¹²

In congress, DIONYSIUS faithfully obeyed his instructions, throughout the whole debate upon this important question; and his colleague, knowing how these instructions were obtained, and that they were not the sense of the virtuous part of the community he

¹² On March 22, 1776, the General Assembly instructed Read, Caesar Rodney, and Thomas McKean, delegates to Congress, to "embrace every favourable Opportunity to effect a Reconciliation with Great-Britain." But they were forbidden to make any separate peace and were ordered to join in military operations for the common defence. On June 15 the instructions were changed so as to omit the reference to reconciliation. Thus the delegates were left free to vote as they wished on independence. George Herbert Ryden, ed., *Letters to and from Caesar Rodney* (Philadelphia, 1933), 72-73, 91.

represented, more faithfully disregarded them. Without powers to corrupt congress, DIONYSIUS, on this occasion, could only betray his finesse, and the confidential commerce between him and the proprietary friends. Hence it was, that some of the most sagacious men at that time in congress, pronounced him better fitted for the district of *St. James's*, than the region of *America*.

Finally, although to avoid singularity, he agreed to sign the declaration, yet how well he intended to fulfil the solemn engagement he had thus subscribed, let every reader judge from what follows.

SECTION III.

A general account of Dionysius, from the declaration of Independence, to his appointment to a continental office, in December, 1782.

UPON the declaration of independence, a new and farcical scene opened. However mortified at this event, the tories did not despair of finally succeeding; but with design to prevent, if possible, the establishment of independence, it was convenient to hold fast the powers of government. With an address, therefore, peculiar to themselves, men who had been the most avowed advocates for the king, now appeared at the head of processions for burning his arms, and forward in all the parade of the people. Those who had rode through the country, preaching against independence, were now equally active in soliciting votes for themselves and their friends, as members of the state convention, for framing the new constitution. To the open force of authority, they joined the sap of secret machination. All who had ever taken the wrong step of opposition, were confirmed in their prejudices, and new converts were added by every possible device. Men of property were alarmed with the horrors of civil war, and the confiscations and death consequent upon a conquest of the country. A cry of humanity for the poor went forth; and all were exhorted to choose *moderate* men, as more likely to give a chance of reconciliation, than *violent* whigs.

The tories succeeded in their elections in both the lower counties. From Sussex, indeed, there was a double return of whigs and tories. The whigs, to avoid cabal and violence, chose to meet in their

respective hundreds for the purpose of electing, after the manner of choosing committee-men. The tories elected at Lewes, by a general meeting of the county. Although the whig delegates were returned by most votes, DIONYSIUS alledged the tories were elected more comformably to the direction of the legislature: and upon this principle, they were established in their seats. From New-Castle, there was a respectable delegation; but DIONYSIUS among the rest, and not without his usual complement of adherents.¹³

The convention met in August, 1776. DIONYSIUS, now acting before the face of the continent, did not dare to obtrude any of his corruptions on the new constitution. The present Chief Justice of Pennsylvania ¹⁴ took a leading part in this business; and a constitution was formed, upon the principles adopted by the states which had gone before us. Like most of the other state constitutions, the executive is light in the balance: a circumstance of which DIONYSIUS did not fail to take the earliest advantage.¹⁵ Notwithstanding DIONYSIUS submitted to the new constitution, as a measure of course, that could be no longer avoided, it will appear, that he ardently sought to maintain his power paramount in the state, for the purpose of returning to his favorite dependence on Great-Britain, and proprietary domination, if ever practicable, or otherwise to make the best of the new constitution.

Although in forming the new constitution, and sundry other transactions relative to the continent, this convention acted with a specious shew of regard to the authority of congress; yet before they rose, by an assumed authority, they restored to the Sussex insurgents their arms, and even their respective commands in the militia: and it was not long afterwards, before several of the Sussex deputies, who had served in convention, took up their residence with the enemy.

The first election for representatives, agreeably to the new consti-

¹³ County elections in eighteenth-century Delaware were normally held at the county seat, which was Lewes in Sussex. An odd event in this election was the failure of the voters to elect to the state constitutional convention Caesar Rodney, the speaker of the assembly and the delegate whose hurried ride to Philadelphia had made possible Delaware's vote for independence. On the other hand, Read, who had voted against independence, was elected to the convention.

¹⁴ Thomas McKean.

¹⁵ See H. Clay Reed, "The Delaware Constitution of 1776," *Delaware Notes*, VI (1930), 7-42.

tution, was held in October following. This was a most important election, as all the offices of government were to be filled up by those elected. On the day of election, the tories of Sussex assembled in a tumultuous manner at *Lewes*, cut down the liberty-pole, set it up at vendue, and called upon the whigs to bid for their wooden god. To complete the farce, they sold the flag to a foreigner, for *thirteen pence*. Bullies with clubs, were placed at the court house door, and the electors, as they entered to vote, were questioned *whether they were for the King, or not?* Those who answered in the affirmative, were permitted to vote; but if in the negative, they were driven away. The whigs petitioned the general assembly, that the election might be set aside, as unfair and illegal. But DIONYSIUS on this occasion, set up this doctrine—That those, who had been restrained by violence, from voting, ought to seek redress, as in other cases of civil injury, by an action at law for damages; and the election was established.

With redoubled diligence in deceiving and corrupting the people, the tories carried their election in Kent also; and DIONYSIUS was not without his friends, even in New-Castle. He himself was elected into the legislative council.¹⁶ He was now absolute, with dictatorial powers: and from the manner in which he filled up the government, we may judge perfectly of the man.

Probably to gain time, make some arrangements, and have further communication on the subject, the business of filling up the new government, was put off from the October sessions, until the next meeting of the legislature, and the government transacted in the mean time, by the council of safety.

In February, 1777, the solicitous curiosity of every whig was gratified, in his complete mortification. The first officer appointed, was the president of the state.¹⁷ Our noted president, who first filled the chair of office, had behaved well enough in the beginning of our troubles. Being a weak and vain man, he had performed the parade of a militia officer, with apparent zeal. But, as some supposed, from a little cultivation of his vanity; or, as others alledged, from a timidity with respect to his great estate, he was

¹⁶ The legislative council, with nine members, was the upper house in the new government, and the house of assembly, with twenty-one members, was the lower house. Terms in the council were for three years and in the house of assembly for one year. Read was the first speaker of the legislative council.

¹⁷ John McKinly.

at this time considered as a mere patch upon the back of DIONYSIUS. Although this man was a *Presbyterian*, he carried his election by a great majority, against *Cæsar Rodney*. The Presbyterians of his own county voted against him; but the tories of Kent and Sussex carried him with zeal. This circumstance is noted particularly, to expose the detestable affectation of the tories, at all times, in sacrificing the sacred rights of religion, to their base political prejudices.

The appointment of the judges of the supreme court came next upon the carpet. The first or chief justice appointed to this court, held the same office, with other lucrative employments under the proprietary government. He relinquished the lucrative employments he held under the former government, rather than take the oaths to the new one. Both the other judges, under the old government, were of professed revolution principles: the one from Kent county was elected; but the other, from Sussex, was rejected, and a man of known opposition to independence, appointed in his place.¹⁸ Finally, however, none of them qualified.

It is remarkable, that the minutes of the house of assembly declare an unanimous vote in favour of the justices appointed to fill the courts of common-pleas, in the respective counties, owing to a piece of finesse, for which DIONYSIUS alone can be suspected.¹⁹ It was proposed in private, that the representatives from each county, should determine the persons to be elected from their own counties respectively. The patriots from New-Castle, trembling for the reputation of their own county, durst not oppose the proposition. Hence New-Castle obtained a respectable appointment; and the two lower counties, men of the following description.

In Kent county, the chief justice appointed to the pleas was a man too honest, and consequently possessed of too squeamish a conscience, to swear to maintain a government which he wished never to be established: he therefore declined to take the oaths. The famous Clark, who had been pilloried and egged at Dover, was appointed 2d justice. A noted bully, who, on all occasions, cursed the Bostonians as rebels and traitors, and had fortified his

¹⁸ The three judges elected to the Supreme Court were Richard McWilliams, Cæsar Rodney, and James Sykes. *Minutes of the Council of the Delaware State* (Dover, 1886), 81.

¹⁹ The elections of the judges of the common pleas court for Sussex County were not unanimous. *Ibid.*, 82.

house with loop-holes and guns, for his defence against whigs and committees, was appointed 3d justice. And a man, detained a long time under guard, by General Smallwood, for a well grounded suspicion of traitorous and treasonable practices, was appointed 4th justice. Some time afterwards, Clark was advanced to the place of chief justice, and his place of 2d justice, was filled by a man, who, at the same time Clark was pilloried, escaped from a window, from fear, excited by conscious guilt only, and hiding in the swamps, did not dare to come forth, until he had written the most abject concessions to the captain of the light infantry. These men all swore allegiance to the state; and we may judge of the sincerity of all the rest, by the 3d justice, who, though a professed infidel, did not hesitate to subscribe the declaration of faith in the trinity, required by the constitution.²⁰

In Sussex county, the judge of the highest description, if not of highest appointment, was a militia captain, who, after vain attempts to seduce a brother officer of the fame battalion, to engage in the insurrection, with an armed force, plundered his whig neighbour of his arms and ammunition; and with many execrations against congresses and committees, joined the insurgents: he was disarmed, and recorded on the black list of Sussex, on the minutes of the assembly in 1776; and in 1777, he was selected to administer righteous judgment to the whigs of that county. Another justice appointed to this court, was a militia colonel, who had drawn all of his battalion that he could, into the insurrection. The other two justices, if not equally disgraced, were as professedly opposed to independence. They considered their appointment, as merely to fill a gap for a season; and had no idea that the new government could long stand.²¹

The justices of the peace, and other officers of government, were appointed upon like principles. Officers under the old government, any ways distinguished for revolution principles, were left out of

²⁰ Thomas Tilton was chosen as chief justice of the Court of Common Pleas and Orphans' Court for Kent County; John Clarke, as second justice; Richard Smith, third justice; and Thomas White, fourth justice. Thomas Tilton, an elder half-brother of Dr. Tilton, refused the office, and so did Thomas Rodney, who was chosen to succeed him. John Clarke was then made chief justice, and Richard Lockwood was elected second justice. *Ibid.*, 82, 294, 363, 451.

²¹ The justices chosen for the Court of Common Pleas and Orphans' Court for Sussex County were John Wiltbank, chief justice; William Polk, second justice; John Laws, third justice; and Isaac Smith, fourth justice. *Ibid.*, 82.

all appointments under the new constitution: or if very respectable in the eyes of the people, perhaps, appointed to some inferior office. Thus Cæsar Rodney was packed into the supreme court, between two tories; and N. V. Dyke was appointed judge of the admiralty. These gentlemen, recollecting that there are times when a private station is the post of honor, refused to serve. T. Rodney, though a magistrate under the former government, was now left out of commission. He was captain of the light-infantry of Dover, and therefore very obnoxious to the representatives of his county.

These facts are so astonishing, as hardly to gain credit out of the state. Nevertheless, upon the truth of these facts, shall rest the credit of this whole history. It is also true, that the concert between DIONYSIUS and the tories at this time, and ever after, renders it indisputable among the whigs of Delaware, that he was the author and contriver of these measures: and hence we reasonably conclude, that from this time forward, his objects were to maintain a fair face to the continent, and the county of New-Castle, and to employ the tories of Kent and Sussex, as the chief instruments of his power and influence.

It is a maxim known and established in all deliberative assemblies, never to appoint or employ men to execute what they do not approve. But to establish our independence, the *Dionysian* policy was to prefer men possessed of the most bitter prejudices against it. Is it not then a most reasonable conclusion, that it was his intention to put the government into such hands, as to surrender it conveniently, with claims for his meritorious services, whenever a suitable opportunity should offer?

Notwithstanding the repeated declaration of DIONYSIUS, that *there were no tories in Sussex*, Tom Robinson and Boaz Manlove, who had both been his fast friends in the legislature, were now detected in a traiterous correspondence with the enemy. The latter had embezzled a large sum of paper money, entrusted with him for the purpose of signing. And a letter from the former, giving a most exulting description of the success of the King's friends, at the late election in Sussex, was intercepted on its way to New-York. A secret messenger was dispatched, to seize and bring them before the legislature; but they had friends who gave them more secret notice, and they escaped to the enemy. A number of others, from the same county, taken in an illicit commerce with the enemy, and

confined in the goal of Philadelphia, petitioned to be released; and by the interposition of our legislature, were discharged, but never punished.

The capture of our president by the enemy, with the train of consequences attendant thereon, happened in September, 1777. This had so little the appearance of accident, that many people suspected design. It must be confessed, however, the better opinion is, that it was owing to the stupidity of the man himself, rather than to any direction of DIONYSIUS. For this contingency brought DIONYSIUS into a responsible situation, at a critical time, when he by no means liked it. As speaker of the legislative council, it now became his duty to administer the government. Instead of subtil arts, the time and circumstances required a bold and ostensible behaviour in the first magistrate. This did not suit the genius of DIONYSIUS; and he betook himself to a place of safety in the Jersey. The government then devolved upon the speaker of the house of Assembly.²² He exerted himself amidst the dangers that surrounded him, like a brave man; and, hunted to the borders of Pennsylvania, by refugees and emissaries sent out by the enemy to take him, was protected by providence. But DIONYSIUS, at a convenient season, was conducted to his own shore, most complaisantly, by a British barge.²³

In October, 1777, the tories of Sussex being again insolent at the general election, the whigs, emboldened by the use of arms, and irritated by their last year's conduct, drove them in a body out of town. The whigs, on this occasion, made a great parade of arms, and the tories were exceedingly panic-struck. In New-Castle county this same year, it being unsafe to meet at the town of New-Castle, the election was held at New-Ark. This circumstance was attended with the rare contingency, that every member returned for New-Castle, were whigs, or *Anti-Dionysians*, which implies the same thing. Thus the house of assembly consisted of whigs from New-

²² Thomas McKean.

²³ President McKinly was captured when the British occupied Wilmington after their victory on the Brandywine. Read had been attending Congress in Philadelphia and returned home, his family accompanying him, via New Jersey to get around the British army. In crossing the Delaware River from Salem to New Castle, Read's party was stopped by an armed British barge, but was allowed to proceed after Read had represented himself as a mere country gentleman returning to his home. Read, *George Read*, 274-276.

Castle, and tories from Kent: from Sussex there was no return. Thus constituted, the house caballed for a fortnight, without appointing a speaker: for from whichever county the speaker should be appointed, the other would have the majority upon the floor. The tories were afraid of a severe test act;²⁴ and the whigs did not choose to give them the advantage at so critical a conjuncture. Finally, they broke up, without doing a single legislative act. At their next meeting, however, after previous stipulations solemnly entered into, a Kentish man took the chair, and writs were issued for a new election in Sussex. The tories, on this occasion, did not appear; and the whigs carried their election, with little or no opposition.

The whigs now had a decided superiority in the house of assembly; but DIONYSIUS maintained his majority in the legislative council: for the elections, which had brought about the revolution in the lower house, had changed but a member or two in the other branch of the legislature. Long debates of course ensued, relative to a test act: and it was not until May, 1778, that the whigs could obtain the "Act for the further security of the government."

In the mean time, every one did that which was right in his own eyes; and our tory magistrates, in the two lower counties especially, appeared to smile at our misfortunes. They seemed to indulge the pleasing hope, that the distresses of the country would redouble the disaffection of the people. It was frequently suggested, *These are the blessings of Independence*. The refugees²⁵ plundered our whole coast; but DIONYSIUS constantly opposed measures for our effectual defence against these robbers. Tories from among ourselves penetrated to every part of the state, seized our most zealous whigs, and carried them on board the British ships. Various insurrections took place; and formal camps²⁶ were instituted, in both Kent and Sussex. These, in most instances, were subdued, by the voluntary and brave exertions of the whigs. The government lay prostrate as it were, and wishing to be conquered.

In this state of our affairs, the refugees did not discriminate so

²⁴ A test act was so called because it provided for a loyalty oath to test the patriotism of voters.

²⁵ Refugees were Tories from various colonies who had fled from their homes to the protection of British forces and now were frequently engaged in raiding their rebel fellow-countrymen.

²⁶ By "formal camps," Timoleon refers to gatherings of armed Tories.

accurately between whigs and tories, as was hoped and expected by the latter. It became an object then with all parties, to have a court established, capable and willing withal, to take notice of bold offenders against the peace and order of the state. The present chief justice was therefore solicited to fill the chair of the supreme court. He was a professional man, and of independent principles. But the two puisne judges appointed to his assistance, were in strict subserviency to the policy of DIONYSIUS. The chief justice, not much approving his colleagues, and the assistants having no solicitude about the duties of their appointment, these judges never met in court. After the election of 1777, the chief justice, with design of obtaining a reformation in the court, resigned his appointment; and the only assistant, who had qualified, followed his example. The general assembly then reappointed the chief justice; and instead of the two former assistants, another lawyer was added to the court; and for the third justice, a man of genius and knowledge, and of known revolution principles.²⁷ Thus one independent judicatory was obtained; but unattended with those advantages to the state which might have been expected. With a sheriff of his own connection, to return juries, DIONYSIUS found no difficulty in screening the vilest culprits from the vengeance of strict justice: and the court had the mortification to see, that they contributed more to the emolument of the unprincipled advocates of tories and refugees, than to the suppression of those enormities and violences practiced against the community.²⁸

The elections of 1777, also favoured the appointment of a president faithful to the revolution,²⁹ in place of him who had been captured. But the body of the people had been so deceived, and stamped with prejudices against independence, by their leaders, and even by many officers of the government, who, notwithstanding their oaths, continued to practice all the arts of disaffection, that

²⁷ William Killen, John Evans, and John Cook were elected justices of the Supreme Court on June 5, 1777. Evans never accepted the office. Killen and Cook resigned in May, 1778, whereupon the assembly reelected Killen chief justice and chose David Finney and John Jones as associate justices. *Minutes of Council*, 131, 282, 294. Killen and Finney were lawyers.

²⁸ John Clark was sheriff of New Castle County; Philip Barratt, of Kent County; and apparently Dorman Lofland, of Sussex County. *Governor's Register, State of Delaware* (Wilmington, 1926), 26; J. Thomas Scharf *et al.*, *History of Delaware* (Philadelphia, 1888), II, 622, 1039, 1210.

²⁹ Caesar Rodney.

it was not possible to reduce them to order and good government. Laws were made in compliance with the recommendations of Congress; but effectual pains were taken, that they should never be carried into execution. This was especially observable in training the militia. Whenever laws were made for this purpose, the tories constantly exerted themselves to put the command into the hands of disaffected persons; and withal to have the law clogged with some unpopular clause or impediment, that might render the execution of it impracticable. Finally, militia laws and mustering became unpopular, and all militia exercises were discontinued.

The sure protection of the tories encouraged them to be obstinate in their rebellion against the new government.—Neither the influence of a whig president, nor the institution of the supreme court, aided by a number of well-affected justices of the peace, (appointed in lieu of those who had fled to the enemy, turned refugees, or otherways abdicated their office) were sufficient to prevent the insurrection, called the Black Camp, so late as August, 1780.³⁰ This was a *petite guerre* instituted by the tories, for the express purpose of resisting the execution of the laws under the new government; and was not suppressed without considerable bloodshed.

From the institution of Cheney Clow's camp,³¹ in 1778, until this time, there were many indicative signs, that the British would seize upon the Delaware state, or, perhaps, the whole peninsula. In the gloomy season of October, 1779, DIONYSIUS gave the hint to his followers, by refusing all governmental employments, even to be elected in the legislature, or to serve in congress. The British, however, on their way from New-York to Charleston, in December 1779, passed us by unnoticed; and in October following, a com-plaisant set of inhabitants, about New-Castle, who never liked to be called tories, gratified his wish, by placing DIONYSIUS in the house of Assembly.

The British power in America, now in its wane, and the efficient aids granted us by the French Monarch, presaging the exploits of 1781, rather than our return to a dependent state on Great Britain, DIONYSIUS, therefore entered into views of ambition and emolu-

³⁰ The Black Camp was a gathering of several hundred Tories in Sussex County in August, 1780. Hancock, *Delaware Loyalists*, 38-39.

³¹ Cheney Clow, a "back-sliding Methodist," assembled a hundred Tories at his fort near Kenton, Kent County, in April, 1778. *Ibid.*, 34.

ment, under the new government. For those purposes, it was necessary to form alliances, and to employ suitable persons in Congress. Our delegates were therefore chosen from another state;³² and every interest of Delaware was sacrificed at the shrine of Pennsylvania, for her influence, in the appointment of DIONYSIUS to a high office under congress, with a revenue of several thousand dollars per annum.

The county of New-Castle ought to blush for this shameful transaction. The whigs of Sussex voted against it; the tories of Kent and a majority of DIONYSIANS from the upper county, carried the measure. With the aid and influence of the Pennsylvania delegates, DIONYSIUS got his office;³³ and judging from what has since happened, we have reason to conclude, that to this day he holds himself bound in gratitude, to betray the interest of Delaware, as often as it comes in competition with that of Pennsylvania.

SECTION IV.

A general account of the Dionysian policy from his appointment to office, under the United States, until October, 1787.

DIONYSIUS had now a double part to act, to carry a fair face to congress, and maintain his tory influence in the state at the same time. Hitherto the tories had but too successfully obstructed and frustrated every scheme of revenue. DIONYSIUS apparently entered sincerely into the views of the *Financier*; and laid specie taxes, even in opposition to some of his tory connections. He also promoted a law for collecting the taxes by county collectors, and for appropriating them more certainly to continental use, than had been done. But he could never be prevailed on to let a law pass *for the more equal assessment of property*. And wherever men were concerned, it was most manifest, that his chosen vessels were

³² Thomas McKean and Samuel Wharton, residents of Pennsylvania, and Philemon Dickinson, a resident of New Jersey, were elected on February 3, 1782, along with Caesar Rodney, to represent Delaware in Congress. John A. Munroe, "Nonresident Representation in the Continental Congress," *William and Mary Quarterly*, 3rd series, IX (1952), 166-190.

³³ In December, 1782, Read was appointed by Congress to be one of the judges of the Court of Appeals established to hear admiralty cases. Read, *George Read*, 378.

such as were either narrowed by *bigotry*, prejudiced through *ignorance*, or soured by the malicious enmity of *apostacy*: for an open discovery of these malignant passions was, and continues to be, the surest means of promoting the low ambition of those who are capable of them.

The success of the campaign of 1781, with the regular prospect of peace and independence, made a strong impression on the minds of the people. They were now convinced, that the tories had treated them with great deception, and that the whigs had been honest. Many of our leading tories lost all popularity and influence. In Sussex the multitude of tories, who had refused or neglected to give allegiance to the state, agreeably to the test act, seemed disposed to rest in peace, without further disturbing the government. All this had a favourable influence on the electors and elected, in October, 1782, a noted and important year, when our president³⁴ abdicated the government.

Our president signified his acceptance of the government of Pennsylvania in January, and the general assembly proceeded to the appointment of another, in his stead, in February 1783. DIONYSIUS did not attend at the first of the session. In this interval the tories solicited the chief justice to accept the presidency of the state. Some supposed this was only finesse, to divert the whigs from the choice they had fixed upon; others that the tories wished to fill the judge's seat with a man after their own heart; every body was soon convinced that this proposal was not from personal regard for so good a man as the chief justice. For on the arrival of DIONYSIUS, he with dictatorial authority ordained, that they should choose a *quondam president* who had been captured.³⁵ All who were completely trammelled obeyed. But DIONYSIUS's confidence so far deceived him, that he incautiously counted upon a man or two, who felt the force of independence too powerfully, to yield such abject submission. He therefore lost his tool, and we got an independent governor.³⁶

The disgrace of being represented in congress by foreigners, had, in two years time, become so generally impressed upon every man of the least delicacy, that it was now no difficult task to appoint residents of the state, instead of our delegates from abroad. But what was most mortifying to DIONYSIUS, staunch whigs only were

³⁴ John Dickinson.

³⁵ McKinly.

³⁶ Nicholas Van Dyke.

delegated to congress.³⁷ DIONYSIUS, though foiled in this manner, was far from giving up the objects of his ambition. He contrived to hedge the president about, with a privy council to his own liking; of which two out of four held the most lucrative offices of the state, by his patronage: ³⁸ and he so managed at the next general election, that with the members returned, and especially from New-Castle, he turned out, without-ceremony, all the whig members of Congress; and among those appointed, put in his *quondam Governor*.

The example thus set for turning out and putting in, by dint of majority, afforded a prospect of so slight a tenure of office, that of all those appointed, but one consented to serve, and the state went unrepresented a whole year.³⁹

The elections of 1783, in both Kent and Sussex were disputed. There being no dispute, however, as to the councillor for Kent county, the same person being carried by all parties,⁴⁰ DIONYSIUS entered into a long discussion of the subject, for no reason that can possibly be imagined, but that of injuring the name and reputation of a number of respectable whig citizens, Thus it is *resolved* of one, that he was in liquor—of a second, that he forcibly carried off the box containing in it the uncounted votes or tickets—that the votes or tallies were saved from a third, who made an attempt to seize them, that a fourth behaved himself in a very disorderly

³⁷ Gunning Bedford, Jr., Eleazer McComb, Caesar Rodney, and Dr. Tilton.

³⁸ The privy council consisted of four members, two elected by each house, and acted as a check upon the president. The four members elected in February, 1783, were Samuel Patterson, James Booth, Gunning Bedford, and John Lea. Bedford was Read's brother-in-law. *Minutes of Council*, 815; *Votes of the House of Assembly of the Delaware State*, Feb. 4, 1783. (The *Votes of Assembly* are consulted most conveniently in the *Records of the States of the United States*, a microfilm compilation by the Library of Congress in association with the University of North Carolina, ed. by William Sumner Jenkins, 1949. The *Minutes of Council* are also reproduced in this microfilm compilation, but are consulted more conveniently in the Dover edition of 1886.) Possibly the two holders of "lucrative offices" were Patterson, who was brigadier general of the militia, and Booth, who was clerk of the lower house.

³⁹ The new delegation elected to Congress in 1784 consisted of John McKinly, Henry Latimer, Thomas Rodney, and John Vining. Not one of them attended Congress under this appointment, although Vining attended after reelection in the fall. John A. Munroe, *Federalist Delaware, 1775-1815* (New Brunswick, 1954), 267. This book surveys Delaware politics for the period covered by Timoleon. In this particular election Dr. Tilton was one of the candidates for Congress but was defeated. *Minutes of Council*, 873.

⁴⁰ Caesar Rodney.

and unbecoming manner—that a fifth had knowledge of the attempt to take away the box before it was put in execution. Finally, however, as an example for the house of assembly to follow, the election for Kent was established, that of Sussex declared void.

The house of assembly, after a long hearing by council, made a kind of drawn battle, they agreed that both elections should be established. At this DIONYSIUS was much enraged. He reproached the New-Castle members particularly for disregarding his advice and example; and swore a lot taken from the county at large, might give them a chance of better members.

The county of Sussex returned the same member of council as before,⁴¹ and under the same regulations of the election. DIONYSIUS did not think proper to reject him again; but at the same time the election was confirmed, he dictated to council a long string of resolutions containing such explanations of the laws relative to elections, as were aptly fitted to encourage the tory non-jurors to qualify and oppose the whigs. It was further resolved that the council were vested with right and power of judging of the qualifications and elections of its own members; and consequently, to declare and make known its opinion upon the laws or any of them, prescribing or limiting the qualifications of the electors. And lastly, copies of the foregoing resolutions and determinations of council were ordered to be sent to Sussex, and publicly read at the opening of the next election.

It was very offensive in the eyes of the people, that sundry respectable justices of the peace, whose commissions had expired, were now discontinued, and others recommended in their places. Two circumstances contributed to aggravate this transaction. It appeared to have been accomplished by mere chicane; and afterwards avowed to be for no other reason, that because they were not of *the right political connection*.

These and other acts of tyranny, by this memorable sessions, so far excited the resentment of the people, that in October following, 1784, the whigs succeeded in their elections throughout the state. Even New-Castle on this occasion, seemed more awake than usual. DIONYSIUS, however, had before obtained a seat in the legislative council, and could not be shaken.

This general assembly, with a decorum proper to whigs, reap-

⁴¹ Joshua Polk.

pointed the member of congress of the preceding year, who agreed to serve; and appointed others in the place of those only, who had refused to attend upon that duty.⁴² They also redressed to the utmost of their power, those honest magistrates, whom the party rage of the preceding assembly had unwarrantably affronted. They were now reappointed by the house of assembly, to receive the president's commission.

Although by the diminution of the DIONYSIAN faction in the legislature, he had it less in his power to tyrannize, during this session than usual; yet he did not fail to discover the strong features of his character. The "Act for calling in and destroying such of the Bills of Credit emitted by any of the laws of this state, &c." commonly called the Loan-Office Law, could not pass the council without an amendment, for inserting the *quit-rents* due to the proprietaries, as an excepted incumbrance upon mortgaged premises. The money called in and burned by this act was notoriously hoarded up by disaffected persons. DIONYSIUS therefore entered on the minutes his dissent to the passing of the law; and protested solemnly against the breach of faith, in calling in the bills of credit, at so depreciated a rate, as *seventy-five* for *one*.⁴³—This advocate for public credit, nevertheless found means of preventing any resolutions whatsoever from passing the council, for the payment of the interest due on the depreciation certificates, in the hands of military men and other revolutionists; until by accident his official duty called him to Virginia in June 1785, during the session of the legislature; and in his absence, resolutions passed without difficulty for a more liberal and timely payment of interest to the public creditors, than had ever before been offered.

⁴² Gunning Bedford, Jr., Samuel Patterson, and James Tilton were elected, along with John Vining, reelected.

⁴³ In order to provide a sufficient medium of exchange, the Delaware General Assembly had been in the habit of issuing paper money on loan to individuals who gave the state first mortgages on their real estate as security "at a conservative estimate of not more than 50% of its value." The only immediate profit to the state was the interest charged on the loan. In colonial days this system worked very well, but in the Revolution the issue of unsecured Continental bills by Congress led to a depreciation that dragged down the value of the Delaware bills. Read protested against calling in the Delaware bills at an arbitrary depreciation rate of seventy-five to one and argued that holders of these bills should be recompensed in whatever proportion was permitted by the value of the mortgages still held by the state. Richard S. Rodney, *Colonial Finances in Delaware* (Wilmington, 1928), 50-51; Read, *George Read*, 387-390.

Thus it appears, that according to the DIONYSIAN policy, public faith is to be immaculate with respect to tories; but of no force and validity in regard to whigs. The transactions of the ensuing years relating to the business of finance, will afford still more striking specimens of the public faith and virtue of this leading politician.

So many of the disaffected in Sussex had refused to take the test necessary to qualify them to vote, that the whigs of that county had uniformly carried their ticket, at the general elections, from the year 1777, until October 1785. Previous to this election, an effectual arrangement was made for turning out all the whigs. The tories of Sussex are so destitute of talents, that we never suspected them for devising the measures now pursued; but that an *adjutant general* went down from Kent county, properly instructed to settle and arrange their plans. Certain apostate characters were employed to hunt up and qualify all the disaffected who could be prevailed on to take the test. As the law for the further security of the government did not expressly forbid it, *refugees* and *black-campers* who had fought against the whigs so lately as 1780, were now diligently sought for, and by a cultivation of their resentments against their late conquerors, were excited to qualify. Magistrates were carried about to administer the oath to these miscreants. The vouchers, according to the strict construction of the law and the practice of that county, swore they believed them to be good friends to the government. Occasionally whole crowds were thus vouched for at once. They were furnished with formal certificates of their qualification, and enjoined to attend the election.

With these auxiliaries the tories out-numbered the whigs, and carried their election. There was indeed a suspicion of fraud also; but as that could not be proved, the whigs submitted to the event.

The conduct of the tories on this occasion, towards the sheriff of the county, illustrates the spirit from which they acted. This officer was a brave man, who, in quality of a captain in the Delaware regiment, was among the gallant defenders of Mud-Island.⁴⁴ By the bursting of a shell near his head, he was deprived of his hearing, and compelled to quit the service. On the return of health and restoration of his hearing, in some degree, the whigs, in gratitude for his gallantry and sufferings in the cause of independency,

⁴⁴ Cord Hazzard. Christopher Ward, *The Delaware Continentals, 1776-1783* (Wilmington, 1941), 287.

elected him sheriff of the county: but the tories with unfeeling hearts, or rather with prejudiced resentment, at the glory which shone around this brave man, employed their refugees and black-campers to deprive him of his office, a year before the expiration of the time, which the law permitted him to hold it. This was done without the shadow of complaint against him as an officer, and is as unprecedented as it is disgraceful to the county.

The elections of the two upper counties this year, succeeded well enough, except that DIONYSIUS was returned a member of the legislative council, by the county of New-Castle. His peculiar efforts were therefore confined to the transactions of council. But his influence and tyrannic exertions were not the less conspicuous.

The patriots of the house of assembly, observing that the lucrative offices of the state were generally employed by the DIONYSIAN faction as mere sinecures, for retaining advocates; that independent men were crowded out whenever it was possible, and the plainest indications given, that none could enjoy the emoluments of office, but such as would meanly bow the neck, and take on them the drudgery of faction, passed a bill through the lower house for taxing the lucrative offices. They hoped thus to have corrected the vice of corruption, and improved the finances of the state. But DIONYSIUS opposed this law with all his powers; and effectually obstructed its transit through the council.

The member of council last elected for Kent county,⁴⁵ boldly advocated the tax upon lucrative offices. This man moreover was a *sour whig*, whom DIONYSIUS had probably long before marked as not to his purpose. His next project therefore was to wreak his vengeance upon a man, whom he despaired of corrupting or misleading. Sundry circumstances in the manner and plan of his attack, at the last meeting of the legislature in this year, serve to evince, that he had premeditated the design, and came prepared to subdue and disgrace this inconvenient member by a *coup de main*.

The tax-bill for raising £21,000, for the year of 1786, had been sent up to council at a preceding session, and detained by DIONYSIUS to plod upon, during the recess of the legislature. Immediately upon the meeting of the general assembly, in June, 1786, the collector of New-Castle county came to Dover, and on behalf of a number of taxables of that county, demanded of the loan-officer

⁴⁵ James Tilton.

(the obnoxious member before mentioned) written certificates of interest, conformably to the requisition of 1784. There is reason to believe the collector acted on this occasion by the direction of DIONYSIUS, merely as a pretext for what followed; because he had been repeatedly informed before, that the loan-officer had no such powers. DIONYSIUS, however, made this a matter of clamorous complaint, in the open street, until a mere mob was collected to hear him declaim against the loan-officer. Curiosity led the loan-officer to attend and hear among others, and not comprehending well the meaning of DIONYSIUS, he told him flatly, that he made but a rude and ill-judged apology for the delinquency of New-Castle county: for he hastily concluded DIONYSIUS had nothing else in view. This mode of attack proving unsuccessful, DIONYSIUS withdrew suddenly; and in council, soon convinced the loan-officer, he had something more at heart than merely an apology for his county.

In council, the tax-bill was committed to a committee of three, for amendment. Two members ⁴⁶ were appointed with DIONYSIUS to this duty. DIONYSIUS closeted his colleagues, and easily persuaded them to agree to 49 amendments; the result of his secret lucubrations. Among the rest was one declaring the office of state treasurer, held by the obnoxious member, to be incompatible with that of continental loan-officer, which he also held. The loan-officer took exception to sundry of the amendments, as incongruous and repugnant to the requisition of congress; but took no notice of that which related to the treasurer's office. DIONYSIUS took frequent and taunting notice of this article; but nothing could be extorted from the member whom it was intended to provoke into some indiscretion, but that he was ready to resign the office, when those who gave it were disposed to resume their appointment: and he resigned accordingly, as soon as the amendments were sent to the house of assembly. By DIONYSIUS's amendment, not a moment was allowed the treasurer to make up his accounts. The office was, as it were, to be snatched from under him. The house of assembly, however, thought ten days little enough to settle and deliver over the books of the office, to the succeeding treasurer: ⁴⁷ and this was acquiesced in, without complaint.

⁴⁶ Silas Snow and Joshua Polk. *Minutes of Council*, 959.

⁴⁷ Dr. Joshua Clayton, nominated by George Read. *Ibid.*, 992. Apparently it

DIONYSIUS accounted this the cutting off of one head, but another remained which he wished to wound at least, if not dis sever. The loan-officer did not think proper to relinquish his continental appointment, and now stood collected in his own defence. It would take up too much time to recount here, all the vociferous declamation of this *Sempronian* Orator. Suffice it to observe, that all his arguments were drawn by insinuation and implication, rather than by any direct or fair mode of reasoning. Thus, in debating the amendment for a suspension of the collection of taxes, in case the loan-officer should neglect or refuse to settle and certify the interest due on certificates, &c. with affected zeal for the public weal, he lamented the misfortunes of the state, from a neglect to issue facilities to the citizens, agreeably to the requisition of 1784. He even threatened to address the president of the state, requiring him to complain to congress, that the loan-officer had not yet qualified and entered on this business. But he could not be brought to say, in direct terms, that the requisite qualification would authorize the loan officer to issue any certificates or facilities whatsoever, before the law then under consideration had passed the legislature.

This was his conduct, until by open cabal and secret intrigue, he had engaged the council generally in his measures. They had concurred in his amendments and messages, probably, without understanding the design of them, until they could not decently retract from what they had done. Then it must be confessed DIONYSIUS was explicit enough. In one of the messages from the council to the house of assembly, there is this notable sentence relative to the 46th amendment: "The council think it their duty to guard against a refusal or neglect of this kind, with respect to their constituents, at the same time that they make it compulsory on them to contribute a supply to the wants of congress, by this rendering the security mutual between the payers and the receivers; and *what has lately happened*, still renders the provision in this clause the more necessary; and the council willingly hope, that any *jealousy* that may have taken place, will by the present form of the amendment be done away." The loan-officer remonstrated against this article particularly, by observing that neither congress nor their officers had ever deserved from council, language importing

was this criticism and replacement of Tilton that led him to write this history. Read, *George Read*, 468-469.

jealousy or *distrust*. DIONYSIUS now sure of his majority, replied shortly, that it was not meant for congress, but the *officer*, who might think himself well off to be let down so easily. The loan-officer, fired with resentment at the insolent import of the word *officer*, in the singular number, with so pointed an explanation, declared he would not tamely submit to be thus held up as a public delinquent; that he was revolved to appeal to the public, by using the privilege he had of entering his dissent, and protesting against the proceedings of the council. DIONYSIUS agreed he had a right to do so; and all the council echoed their consent to the measure.

The next day, however, when the loan-officer presented his reasons of dissent and protest, to be entered on the minutes in their proper place, DIONYSIUS laboured to modify them to his own liking, after the manner of a common report, before he would permit them to be entered. The loan-officer insisted on his right to use his own language, declared his resolution to abide by the public opinion, and to reject all correction from a party concerned. DIONYSIUS preached whole hours together, and discovered the utmost solicitude for some days, to prevent the entry: until he at length became hoarse with talking, and apparently sick with fatigue. The loan-officer sat all this time with his protest in his hand; urged at every opportunity he had of speaking, that it might be entered on the minutes. Finding, however, that all other resources failed, he resolved to make a formal question of this matter before the house, and found means to get his motion seconded. DIONYSIUS not chusing the yeas and nays on this question, instantly withdrew all opposition; he consented to the entry, and all the council said *Amen*.

A laughable scene ensued, which cannot be better exposed, than by transcribing, from the minutes,⁴⁸ the protest at large, with the resolutions of council that immediately succeeded it.

“On motion, made and seconded,

“That the sense of council be taken, whether Mr. Tilton have leave to enter his reasons at large upon the minutes of council, for disagreeing to sundry amendments proposed by council to the bill for raising £21000, &c. and for protesting against a message from the council to the house of assembly of the twenty-second instant, agreeably to leave then had and obtained of council; the question was put, and it was

“*Resolved in the affirmative.*

⁴⁸ For June 24, 1786. *Minutes of Council*, 987-990.

“Whereupon Mr. Tilton laid on the table a paper, exhibited as containing his reasons for his disagreement and protest, which is as follows:

“1. Because the end proposed by the first amendment, for increasing the sum to be raised and all the numerous amendments dependent thereon, is attainable in another way, and more to the advantage of the state; instead of paying one third of the requisition of the 4th of September, 1782, in specie, agreeably to the intention of this amendment, it is admitted, the whole might be paid in facilities. By a separate provision then, for this requisition, such as we have reason to believe the house of assembly intend, our tax-laws would be more simple and easily executed, more facilities might be brought into circulation, and as their value would be enhanced, they would circulate more currently, and be of greater public utility; and in proportion as this state is enabled easily and speedily to comply with the requisitions of congress, the federal government will be benefited.

“2. Because the articles of confederation expressly declare, that the proportion of taxes to be raised by each state, in support of the federal government, shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in congress assembled; and the United States have required the legislatures of each state in the union, to provide in the act complying with their requisition of 27th of September, 1785: That if on the first day of January, 1787, the said states quota of facilities shall not be in the hands of the state treasurer, or other proper officer, the deficiencies shall be collected and paid into the continental treasury in specie; therefore the forty-fourth amendment for postponing the completion of this collection, until the thirty-first of May, 1787, cannot be considered as a compliance with the said requisition; and this circumstance of time must be regarded as essential to the requisition, and not as mere matter of form, as was alledged and maintained in council.

“3. Because the forty-fifth amendment, for authorizing and requiring the state treasurer to exchange specie for facilities, is contrary to the spirit and letter of the requisition with which our act is intended to be a compliance. This amendment will also have a manifest tendency to depreciate the facilities, and, if adopted, must

prove injurious to the honor and interest of the state, by opening a partial and dangerous speculation at the state-treasury.

“4. Because the forty-sixth amendment, in its original form, to enable the president, with the advice of the privy-council, to suspend the operation of the tax-laws as well as in the amended form in which it now stands, to enable the president with the advice of the privy-council, to summon the general assembly, for the express purpose of taking cognizance of officers appointed by congress, and accountable to them alone, must be considered as manifestly tending to an encroachment on the just rights and prerogative of congress, engaged for by the plighted faith of this state, through their delegates in congress assembled. It also behoves council to have a due regard to the honor of this state, by a strict conformity to the requisitions of congress, and to be seriously concerned, to guard against a measure which might induce that honorable body to consider our present act as a non-compliance with, or repugnant to their late requisition, whereby our constituents might be deprived of the benefits thereby proposed and held out to them.

“5. Because in the message of council to the house of assembly, with reference to the commissioner of the loan-office in this state, for not having issued interest certificates on loan-office certificates and other certificates of liquidated debts, up to the end of the year 1782, to be received in discharge of taxes for fulfilling the requisition of 1784, it is said, “And what has lately happened still renders the provision in this clause the more necessary; and council willingly hope that any jealousy that may have taken place, will by the present form of amendment be done away.” As it was sufficiently explained to the understanding and conviction of council, previous to the sending of this message, that neither congress nor their officer could do more for the state than was done, and that so far as the state may have suffered an inconveniency, it must have been owing to contingency in the death of the late loan-officer, and neglect on the part of the state to procure another, before an entire change took place in the system for conducting the continental treasury; whereby it became impracticable to afford relief to the state, but by a speedy compliance with the requisition of 1785; it therefore becomes the duty of this dissentient to declare and protest, that language importing jealousy or distrust of congress or their officers

is without foundation, altogether unmerited by the officers of congress, and when adopted by council, tends directly to disturb the harmony, and impair the mutual confidence, which ought to subsist between this state and the united states.

“JAMES TILTON,

“Upon the entry of the paper delivered by Mr. Tilton as aforesaid, it was thereupon observed to the house that the facts as stated therein, to which his reasons referred, were misrepresented, and not truly stated.

“Whereupon it was moved by Mr. Read, seconded by Messrs. Neill and Craghead, separately, that the sense of the council be taken with respect to those facts; and council proceeded thereon as follows:

“The first of which facts alledged to be misrepresented is as follows, to wit: “Instead of paying one third of the requisition of the fourth of September 1782, in specie, agreeably to the intention of this amendment, it is admitted the whole might be paid in facilities.”

“The question, whether this fact is truly stated, being put, it was

“Resolved in the negative.”

“The second misrepresentation is as follows, to wit: “By a separate provision then for this requisition, such as we have reason to believe the house of assembly intend.”

“The question, whether this fact is truly represented, being put, it was

“Resolved in the negative.”

“The third, whether the following is a true representation of the facts, to wit: “The forty-sixth amendment in its original form to enable the president, with the advice of the privy-council, to suspend the operation of the tax-laws, as well as in the amended form in which it now stands, to enable the president, with the advice of the privy-council, to summon the general assembly for the express purpose of taking cognizance of officers, appointed by congress, and accountable to them alone.”

“And the question being put thereon, it was

“Resolved in the negative.”

“The fourth misrepresentation is as follows, to wit: “As it was

sufficiently explained to the understanding and conviction of council previous to the sending of this message, that neither congress nor their officers could have done more for the state than was done."

"The question, whether this fact is truly represented, or not, being put, it was

"Resolved in the negative."

It is difficult to say whether this mode of *resolving* is most childishly weak, or contemptibly mean. The appeal to the public was as to matters of fact; but DIONYSIUS and his majority undertake to prejudice their own cause, and *resolve* what the public shall believe, concerning the facts or subjects in dispute referred to them. Thus in the first article or fact said to be misrepresented, although the resolutions of congress were express, that the whole of the requisitions of 1782 might be paid in facilities, and the law finally passed upon that principle, yet it is "*resolved*" that this fact is not truly stated. In the second instance, although a member declared in his place, that he had satisfactory information from members of the other house, that they were engaged in maturing a plan for a separate provision for the requisition of September 1782, yet this was not sufficient evidence, and "the question whether this fact is truly represented, being put, it was *resolved* in the negative." As to the third article, the 46th amendment in its original and amended forms stand at large upon the minutes, with the yeas and nays to them; the loan-officer in his protest, has not copied the tautologous language of the original, but has retained the sense, to the satisfaction of the public; nevertheless on the question as to the true representation of the facts, it was "*resolved* in the negative." It indeed requires the aid of a rhetorical figure, in which a part is taken for the whole, to defend the loan-officer from the charge of misrepresentation, in the 4th and last article. It is most probable, a majority of council did not think or care anything about it. No doubt however, but it was sufficiently explained to the understanding and conviction of DIONYSIUS, "that neither congress nor their officers could have done more for the state than was done." He knew too, that his majority were ready to follow his example, in saying *yea* or *nay*, as to the true representation of this fact.

These resolutions expose in a striking point of view, the littleness of DIONYSIUS's character. For the momentary satisfaction of mis-

leading a majority of a few weak and inconsiderate councillors, he has exposed himself to the scorn and contempt of all the unbiassed and competent judges in America. Perhaps he might intend, that according to the previous example of council, their minutes should never be published. Advantage, however, has been taken of his absence, and these records are now printed. Thus we have brought to light, the vice and meanness of this leading character: and the weakness and folly of those who vote by his authority.

DIONYSIUS's malicious attack upon the loan-officer was not more remarkable, on this occasion, than his utter disregard of all congressional authority. The tax bill sent up by the house of assembly was in strict compliance with the requisition of 1785; but DIONYSIUS with a sovereign contempt for congress, mangled it by his 49 amendments into the most indirect form imaginable. Thus congress ordered the money collected for the discharge of interest certificates, to be paid by the *loan-officer*, without *discrimination*, expressly to avoid *depreciation*—But DIONYSIUS in his amendment or rather debasement of the act, directed, that this fund should be disposed of by the *state treasurer*, with a *discrimination* among the holders of public securities, and no doubt, for the express purpose of creating further *depreciation*. Indeed, so little reserve had he upon this score, that in opposing the proposition of the house of assembly for a state speculation, in public securities,⁴⁹ he reasoned specially from the probability of a *scale of depreciation* for certificates, as well as continental money: and all his conduct served to show, that he wished such an event to happen. Again, Congress, agreeably to their powers, had ordered the money to be raised by a limited time mentioned in their requisition; but DIONYSIUS, after detaining the act of compliance unnecessarily, from February till June, now proposed to amend it by dispensing with the limitation of congress, and extending the time of collection. He adhered most tenaciously to his amendments, and by stickling for forms and ceremonies, baffled the endeavours of the house of assembly, to obtain a committee of conference on the subject: until the house, in a message declared their patience was exhausted by the delays of council; that they conceived themselves justifiable in adjourning the next day, and appealing to their constituents for the rectitude of their

⁴⁹ Read and the majority of the legislative council opposed the further issue of paper currency by Delaware. *Ibid.*, 974-975.

conduct, and the propriety of their measures. An accommodation then took place. The bill passed it is true, mutilated enough, but without the more obnoxious amendments.

Considering DIONYSIUS had professed great regard for Congress and their measures, ever since they had honored him with a lucrative post, it was difficult at first to account for his present conduct. Casting about, however, it was presently discovered, that Congress had lately reduced his annual salary, to a *per diem* allowance for his service. This with persons but moderately acquainted with the man, was sufficient to unriddle the whole mystery of his behaviour.

The unusual resistance to the measures of DIONYSIUS, this year, only spurred his ambition the better to secure his majority the next. Having secured a majority of partizans in Sussex, an arrangement was now made for Kent. The question of independence being now settled, and the distinction of whig and tory very much obliterated in this country, the DIONYSIANS therefore resolved to rely on the cultivation of religious prejudices as the main anchor of hope, for the ensuing election. The Presbyterians make but a small part of the people of this county. There are however, some very respectable citizens of this denomination; and with very few exceptions, they have been uniform and stedfast revolutionists. A new and extraordinary cry was therefore raised against Presbyterians. No man of that denomination was suffered to enter the DIONYSIAN ticket of candidates. And although but two men out of the eight whig candidates, had any connection with Presbyterians, and those two of the most liberal characters, yet this was gravely and seriously denominated the *Presbyterian* ticket. All other denominations were exhorted to beware of *Presbyterians*. As if by concert, men were employed according to the nature of their talents in this dirty work. Some who had so much knowledge, and such a sense of decorum, as to make them ashamed of openly declaiming on this subject, would nevertheless whisper in secret, and counsel their weaker brethren, to be guarded against the violence of *Presbyterians*. Ignorant pimps and bullies would roar out in the streets against *Presbyterians* and *Calvinists*; or in public companies ask those, whose political sentiments might not accord with their own, if they did not wear *blue stockings*? or tell others significantly they were *specked with blue*. If any explanation was required, they would be asked, if they had not joined the *Pres-*

byterian party? These bravadoes were not picked from the lowest of the people, as a stranger to the politics of Delaware might imagine: for however surprising to tell, it is not the less true, that low prejudices of this sort, are with us the surest recommendations to office. One of the judges of this county, on the day of the election, flourishing his walking stick denominated it *John Wesley's staff*, with which he intended to *break Jack Calvin's head*: thus insulting two denominations at once; one as the object of his malice, the other as the instrument of his power. And to heighten the picture of this defender of the true faith in religion as well as politics, he openly professes as little regard for the Scriptures of the Old and new Testaments, as for the Alcoran of Mahomet.

The whigs relying on the good sense of the people of Kent, and too secure from the success of the preceding election, were not sufficiently guarded against the machinations of their opponents. The DIONYSIANS therefore carried their representatives. The same majority prevailed in Sussex as did the last year; and New-Castle as usual divided. By accident, however, the member of council returned for New-Castle was a man of abilities and integrity;⁵⁰ and although possessed of extreme modesty, contributed by his example and authority, to guard the disinterested members against the seducing influence of DIONYSIUS. Thus the sessions opened with a majority of the house of assembly at the devotion of the *tyrant*; the only check to his absolute control was in the council. But however honest a majority of this body might be, they were not in every instance, proof against his arts and influence.

Passing over matters that have an equivocal or no relation to his character, we shall in this sessions confine our remarks chiefly to the subject of finance, as most descriptive of the tyranny of DIONYSIUS. It was in this sessions that he passed his own account, in which it must be confessed there was no charge for his important services in the *Jersey*; but when disallowed in part by the auditor, he appealed to the general assembly, and got an order on the state treasurer for all he was pleased to ask. This was the sessions in which he passed the accounts of his noted runner, a *quondam president*; in this sessions it was, that he passed the Act for extending the time for collection of the unpaid state-tax, directed to be raised in the year 1787; whereby, in violation of all good faith,

⁵⁰ Nicholas Van Dyke.

and in utter contempt of the compact, entered into with congress, by a solemn law of the state in compliance with the requisition, the fund provided for the payment of interest on continental securities was destroyed. These are said to be the acts or transactions of DIONYSIUS, because they were done and accomplished by his advice and influence; and without him, no person, in the council at least, would have presumed to advocate them.

In passing the "Act for raising £10,500 for the service of the year 1787" it was contended by the patriots of both houses, to provide for both the requisitions then before the legislature, viz. one for the Indian expedition; and the other for the annual payment of interest on the public debts. DIONYSIUS permitted the small sum required for the Indian expedition to be included in the bill; but upon his plan of *depreciation*, prohibited a farthing from being raised, for the payment of interest on public securities. In opposition to this requisition, he alledged the times were hard, and the people unable to pay.

Thus according to the DIONYSIAN policy, the people were able enough, and ought to be made willing to pay for his important services, *not in the Jersey*. It was also right and necessary, that his electioneering runners, for their recent labours, should be paid both principal and interest, of all their demands, however their accounts might be disputed by people of an ordinary way of thinking. But the *time, health and wealth* expended in the army, are claims that ought to be paid off by a scale of depreciation, instead of the money promised. And the people who enjoy the blessings of independence, however inestimable the prize, cannot bear to pay for it.

It was in this session, a bill was brought into the council for the more equal assessment of the inhabitants, *according to a return of property*. As the people had petitioned for an equitable law of this sort, and cited the example of all the other states, DIONYSIUS affected to favour the measure; but he attacked the bill in his usual side way, and found means of mutilating the Court of Assessment, in such a manner, as to be capable of raising money independent of the people. This moulded and mangled, the bill was sent to the house of assembly for concurrence, where it was loft in oblivion, and has never since come to light, in one form or another.

Further to illustrate the DIONYSIAN character, and the tyrannic

influence prevalent in the Delaware government, it will be necessary to take notice here of something that DIONYSIUS did not do. The legislature met in May 1787, when our chief ruler was absent in the continental convention.⁵¹ A bill was now brought in for appropriating so much of the remaining unappropriated part of the sum of 10,500*l.* raised for the year 1787, as was sufficient to pay off the interest on the state securities, or depreciation certificates. The *Prime Minister* secretly remonstrated against this law, as utterly repugnant to the views and directions of DIONYSIUS. Nevertheless, a sense of justice and propriety so far influenced both houses, that they passed the law. It was also on this occasion that an order of council was obtained for publishing their minutes, from their session in October 1783, to their present session inclusive. How DIONYSIUS relished this appropriation act, will appear in the next section.

SECTION V.

A more particular account of the policy and transactions of Dionysius, during the sessions commencing the 20th of October 1787, and continued by adjournments until June following.

AS this is a sessions in which DIONYSIUS reigned with full powers, according to his sovereign will and pleasure, the transactions of this period shall be more particularly related: for herein we have the express image and true likeness of our tyrant's character.

We have already described the manner, and the successive efforts of the DIONYSIAN faction, by which they succeeded but too well in regaining their superiority, in both Kent and Sussex. In this year it was, that a grand effort was made for subduing the whig influence, in New-Castle county also, and not without success.

In effecting an entire choice of men to his purpose, DIONYSIUS found it necessary to set up a very different pretext in this county, from what had been done in Kent and Sussex. The *presbyterians* are most respectable for their numbers in this county; and however the *Dionysians* may whisper in secret, they dare not openly and

⁵¹ The Constitutional Convention in Philadelphia.

insolently declaim against them, as in Kent and Sussex. DIONYSIUS, however, was not without resource. At this time, efforts were made from New-Hampshire to Georgia, by the tories and British emissaries, for the destruction of *public credit*. DIONYSIUS joined in this scheme, as best fitted to gull and impose on the unguarded inhabitants of New-Castle county. He had already disclosed his scheme of depreciation and scaling away the public debts. His runners from that time forward were most officiously employed in decrying and inveighing against speculators. A professed advocate * of the tyrant published in the gazette,⁵² *a defence of a scale of depreciation for certificates*. So general was the uproar against speculation and speculators, that most men were ashamed of holding the public securities, and fond of declaring, they were not contaminated with any such trumpery. Some, more fond of popularity than stern in the cause of justice and truth, even published in the news-paper, how few certificates they had, and how honestly they came by them. In this crisis of affairs, sundry writers ventured to publish as their opinion, that it was honorable in individuals to hold the public securities; that it was advantageous to the state, the inhabitants should hold as much of this kind of property as they could conveniently procure; that they should, therefore, be encouraged to buy, rather than frightened by ridiculous alarms to sell their certificates; that a scale of depreciation as proposed, was impracticable, calculated only to impose on the unguarded &c. To this it was deemed a sufficient reply, to pronounce these authors *mere scribblers* and *insignificant speculators*, not to be put in competition with certain *great personages*,† whose names were “*consecrated in the temple of virtue ‡*” To damn the notes of the state as well as those of the continent, a *quondam president* was sent forth with a memorial praying the legislature to repeal the late appropriation act, for the payment of interest on the depreciation certificates. Finally the public prints resounded with exhortations not to chuse any man as a representative, who had purchased certificates, or advocated the payment of them.⁵⁴

* A Farmer.

† R-----d and D-----n.⁵³

‡ Delaware Farmer. See Del. Gaz. 19 Sep. 1787.

⁵² The *Delaware Gazette*.

⁵³ Read and Dickinson.

⁵⁴ It is interesting that Read and Dickinson urged adoption of a scale of depre-

An indolent habit in the inhabitants of the remoter parts of New-Castle county in neglecting to attend at the general election, except when a new sheriff is to be introduced, contributed very much to the success of this enterprize of DIONYSIUS. This was not one of those years which brought in the remote electors. The DIONYSIANS abounding at and about the court or place of election, and excited by extraordinary efforts of their leaders, flocked in from all quarters sufficiently numerous to carry their whole ticket; consisting of men of specious and decent appearance, but of perfectly *adjective* characters unaccustomed to stand alone, and so destitute of talents as to be admirably fitted to act by authority.

It was a great triumph to have carried the election *entirely*, at New-Castle. But the faction had not succeeded so well in Kent and Sussex. The cry against *Presbyterians*, though kept up with the usual officious impertinence, had by this time, so far abated of its force with the sharp-sighted people of Kent, that, in this county, the DIONYSIANS carried but about half their ticket.

In Suffex, the whigs had unanimously and resolutely resolved, that this election should not be carried by refugees and other enemies to the country; who were so far from shewing any repentance for their former offences, that they now acted professedly with a vindictive spirit towards the whigs. The whigs made public declaration of the principle from which they acted; and gave full evidence of their stern purpose. Considering themselves as betrayed by the legislature, in permitting characters of a description so wicked and base to interfere in their elections, they determined the revolutionists should not be thus trampled upon by their enemies; that our constitution and laws should not be thus perverted into an engine of corruption, whereby the most bitter enemies to our liberty were enabled to avenge themselves, upon those who had vanquished them in the struggle for independence; and they called upon the common sense and common feelings of mankind, to justify them in the use of force, if necessary, in so good a cause. Though inferior in number, they relied on the continued favour of heaven, in finally vanquishing their mean and degenerate opponents. They

ciation in paying off public indebtedness so that the profit of speculators would be limited; while Tilton, a future Jeffersonian Republican, took the same position as Alexander Hamilton, that the debt should be paid in full to whoever held securities.

made a shew of arms in their previous meetings, but on the day of election, appeared only with sticks in their hands (a few individuals excepted) in a connected form, and with a countenance and manner resolute and determined. The sheriff, by the advice of the magistrates, adjourned the election early in the morning, and kept it open from the 1st to the 15th of the month. In the mean time, the president⁵⁵ visited the county, and interposed his influence to prevent further disorder. He advised an union ticket, consisting of equal numbers from both parties; this compromise was apparently agreed to; and it was expected the election would be held peaceably on the 15th day. The whigs met at the usual place in Lewes, and the tories assembled a mile or two out of town. It was soon discovered the parties had no confidence in each other. Ambassadors were mutually exchanged, and as the only means by which confidence could be ensured, it was agreed that only fifty on each side should vote, and the election be then closed. Such was the common consent to this measure, that no man was prohibited from voting, who insisted upon his right. Thus was the election conducted, and the return made accordingly.

It must be noted, however, that after the election was closed, the whigs were guilty of an indiscretion. Some angry spirits, who had bridled their passions during the election, considering the treaty as subsisting no longer, gave a loose to their resentment, and called upon their companions to drive the tories out of town. The tories fled at the first onset; and some of the more obnoxious were caught and beaten. The tories in return way-laid the whigs on their return home, and avenged themselves on individuals, whom they caught straggling from the main body.

At the first meeting of the legislature, the DIONYSIAN partizans considered their majority as secure enough. The tory members from Sussex, willing to acquiesce in the election, expressed their desire that it should be established; and it was expected for many days, that the election would be confirmed. But DIONYSIUS, upon his arrival, penetrated the members, with an eagle's eye, and found them not to his purpose. Besides the great abhorrence he had to a certain whig of notable abilities returned from Sussex, he must have been sensible that the Kent members (with an exception or two) however returned, were too independent for him to rely upon.

⁵⁵ Thomas Collins.

By an influence secret and unaccountable, a tide of opposition, to the establishment of the election, suddenly arose; and two of the tory members from Sussex, were sent down to hunt up petitioners, against the election.

In the mean time a law passed for lessening the quorum of the house of Assembly. This was esteemed a great piece of policy, necessary to guard against all possible obstruction to the measures intended by a secession of the minority.

The lacquey members returned from Sussex, with petitions signed by 121 inhabitants, complaining of the manner of conducting the late election, and praying relief in the premises. The house then proceeded to a formal enquiry, and determined the election of members returned for Sussex to be illegal and void. Here it is to be observed, that although it was given in evidence in support of the freedom of the election, that no elector was restrained or prevented from voting, who insisted upon his privilege; yet the Kent members, unwilling to give any countenance to tumults or riots, with great candor acknowledged, that the election was informal, and by an unanimous vote it was set aside and a new one ordered.

In council, after examining the sheriff and his deputy, and one of the inspectors, though none of them upon oath, DIONYSIUS observed that the disorders of Sussex were deeply seated in causes of long standing, which ought to be thoroughly investigated. A member⁵⁶ replied, that he liked the hint, and proposed on this occasion a thorough enquiry, on both sides of the question, into those latent causes, which produced so much mischief; that by fairly exposing their vices and prejudices, whence the evils complained of resulted, the most probable remedy might be obtained. But DIONYSIUS did not approve a cure of this sort; he changed his ground suddenly; called for a vote upon the election; it was adjudged, that it was not freely, legally, and indifferently made; and that the member returned was not duly elected.

It was alledged on this occasion, that, however illegal the election might be, there was no sufficient evidence before the council, to determine them in their resolution; and the member who was of this opinion, offered his reasons of dissent, and protest against the proceeding, as partial and unprecedented. But DIONYSIUS made a motion for prohibiting all reasons of dissent and protest, from

⁵⁶ James Tilton.

being entered on the minutes, on the present or *any other occasion*. The dissenting member⁵⁷ ridiculed the idea of restraining future councils, who would be judges of their own privileges, and would have precedents enough for the practice. But nevertheless, on this extraordinary question, whether such reasons of dissent and protest, on this or *any other occasion*, should be entered on the minutes, *it passed in the negative*.

Having set aside the preceding election, it was consulted between the Sussex *tories* and New-Castle *patriots*, how they might secure that which was ordered. It was alledged that if the place of election could be changed from Lewes, where the whigs abounded, to some of those swamps, where the *tories* had been used to maintain their camps, they might succeed better. A few petitioners were procured for this purpose; and a bill was brought in and passed "for altering the place of election, for the county of Sussex, for the present year 1787." The place appointed by this law, was the house of a noted *refugee*, and in one of the most dreary haunts of the black-campers.⁵⁸

Resolutions were then entered into by both houses, recommending to the inhabitants of the state, to elect delegates to a state convention, who should be authorised to assent to and ratify the new federal constitution; and that the elections should be held on the 26th November 1787.

It might have been expected the general assembly would now have adjourned, but as if impatient of waiting for the representation of Sussex county, a bill was brought in by leave of the house of assembly for repealing the late appropriation act, for the payment of interest due on depreciation certificates; and for other appropriation thereof. This bill was drawn with a legal precision, that the member presenting it⁵⁹ was utterly incapable of, and passed through both houses suddenly without amendment. The reasonable presumption from hence is, that it was drawn in New-Castle most probably by the *prime minister*, under the leisure inspection of the *tyrant*; and only required a *parliamentary register* to give it sanction.

⁵⁷ Tilton again.

⁵⁸ The Sussex election was held at the house of Robert Griffith at Deep Creek Furnace, usually called Vaughan's Furnace, in Nanticoke Hundred. *Minutes of Council*, 1093.

⁵⁹ Alexander Porter.

It affords a curious speculation to read the minutes of our house of assembly, on the subject. The extraordinary memorials, so industriously circulated by a *quondam president*, and signed by 270 inhabitants of New-Castle county, are most respectfully cited; and a committee reports, that an "Act for the appropriating the sum of 10,500*l.* by directing the payment of two years interest on the depreciation certificates, gives an *unjust preference* to a particular class of citizens." Therefore that a law should pass repealing so much of the said act, as enables any other description of holders of certificates, than the *original* holders, their widows or children, from receiving the two years interest. The law however passed in such form, as to exclude all sorts of holders from part or lot in this fund. Their specific fund sacredly appropriated by law, to the particular purpose of paying two years interest, is consolidated with others into a common fund, and all manner of debts principal and interest, made payable before the interest on depreciation certificates. With the payments made to runners and favorites, the expences of the civil list must absorb the funds as fast as they are productive, and the holders of certificates can have no prospect of payment, until further provision is made.

We may here remark on the insidious policy of this transaction. The affectation of *discrimination* is put upon the face of the minutes, as the most effectual means of further *depreciation*. A meritorious class of public creditors is held up in an invidious point of view, and all others are invited to lend their aid in robbing them, that they may be sooner paid. The faith of the state is with a numerous and respectable class of citizens forfeited, by a retrospective law, for seizing on their legal fund, with a special eye to the speedy payment, of the disputed demands of a *slavish individual*. Could any thing more tyrannical or with less regard to decorum be devised? Yes, transactions shall now be related, that have less regard to decorum, and are in their nature still more tyrannical.

In the recess of the legislature, the tories went immediately to canvassing, for the election of convention men. As if by concert, they spread rumours throughout the state, that the whigs would be averse from the new federal constitution; and they every where set themselves up, as the patrons of it. They asserted in the most false and scandalous manner, without the least foundation, that certain respectable characters, in each county, were opposed to the

constitution. As nobody in the state opposed its establishment, their lying and slandering and affected eagerness, in defence of the new constitution, could only be accounted for, from a desire of gaining popularity, and seizing upon the powers of the new government. The whigs rejoiced at the prospect of any government, that would probably relieve them from the wanton tyranny of DIONYSIUS. Those more adequate to the task soon determined, that the new constitution was formed on republican principles; that its powers were no more than adequate to good government; that the people were free enough, and had full powers to maintain their liberty, so long as they were virtuous. There was this odds indeed between the whigs and tories, that the latter approved by authority, the former from reflection and judgment. We were led to this discovery by observing, that a number of the more intimate acquaintance of DIONYSIUS lamented, that the government had not been more *monarchical*. This led into an enquiry into the TYRANT's own sentiments. We soon found that his wish was to bask in the sunshine of *monarchy*; that the scheme of government which he had advocated in the convention, was a *monarch chosen for life, senators also chosen for life, and an entire abolition of state governments*.⁶⁰ Nevertheless, his followers make a mere hobby-horse of the federal constitution; and let the government be what it may, they hope to ride in chief authority.

The people of New-Castle, probably from a more early discovery of the TYRANT's sentiments and views, chose most of their delegates, respectable whigs. In Kent, the whigs not caring by whom the government was ratified, made no opposition, and the tories carried their election in great triumph. Some noted tories declared they had been hindmost in a former revolution, but they were determined to be foremost in this. The same spirit seemed to pervade the whole.

In Sussex, they were to elect representatives, as well as delegates to the state convention. The tory candidates had gone home from the last meeting of the legislature minutely instructed as to a plan,

⁶⁰ In the Constitutional Convention George Read urged that Senators hold office "during good behaviour" and that the states be reduced in power to the equivalent of counties. He is not recorded as speaking in favor of monarchical government or life tenure for the chief executive, though his friend John Dickinson expressed the opinion that a limited monarchy would be the best government possible. Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven, 1911), I, 136, 168, 202, 409, 421, 424, 463.

by which they might defend the freedom of election for their refugees and black campers. The constitution of the state requires, that no military force shall be within a mile of the place of election. They were therefore instructed to raise what force they pleased, only to keep it a mile off to serve in case of exigency. Secure in the favour and protection of the legislature, the tories made large provision of arms and ammunition; marked out a camp, at a proper distance, before hand; and on the day of election, marched in companies, with drums and fifes, to the appointed field of encampment. From this place of arms, where a guard of several hundred men stood constantly paraded, they marched in companies to the place of election, and carried their whole ticket of representatives and convention-men, without opposition. For certain leading characters among the whigs, employed all their assiduity and address, to prevent the whigs from going to the election. They foresaw that blood-shed would be the inevitable consequence of a meeting of the parties in arms; and they could not imagine any possible event of the election to be equivalent to such a misfortune. With much difficulty the whigs were restrained and encouraged to hope for a constitutional redress of their grievances.

At a meeting of the state convention, the whigs of Sussex signified by a memorial, what had happened, without expressing any desire to incommode that body, in ratifying the federal constitution, but merely as preparatory to their intended remonstrance against the election of representatives, at the next meeting of the legislature. The convention agreed, that they had no powers to send for witnesses, for a formal enquiry into the legality of the Sussex election; and that, if they had, it would only be wasting time, as all were agreed in ratifying the federal constitution; and it could be an object with nobody to set the election aside. The members returned from Sussex, were therefore permitted to answer for their county, and the new constitution was ratified by an unanimous vote.

At a meeting of the legislature, in January, petitions were received from 504 inhabitants of Sussex, praying to be heard by council, as to a variety of facts stated in their petitions, shewing the late election for representatives to be illegal. DIONYSIUS being absent, at the first meeting of the house of assembly, the petitioners were permitted to be heard by council. This brought on the open enquiry the whigs wished for. Many witnesses were summoned on both sides.

It was proved and admitted on all hands, that with the cognizance and concurrence of the members elected, companies of armed men with drums and fifes, moved on from all quarters of the county, and joined in full force at an old field, about a mile from the place of election; that they there formed in military array, under superior and inferior officers; that their commander in chief was a member of *Congress*,⁶¹ and their second in command a *refugee*; that their ostensible purpose was to protect the privileges of election; and their chief conversation consisted of cursing *Presbyterians* and *Irish-men*; that sundry of the whigs were taken prisoners by this armed body, and could no otherwise be released, but by order of the *Commander in Chief*; that the body of the whigs of the county did not attend the election, on account of this armed force; that from the field they marched in companies and voted, while a guard of several hundred remained constantly under arms. It was further proved by a respectable witness,* who had himself served against the black-campers and other insurgents, that there were not less than *sixty* of these miscreants under arms on this occasion. It was also proved,† that from two hundreds only, between 40 and 50 persons voted, whose names were not in the recorded list of those who had taken the test. Many witnesses declared, that a number of persons were armed at the place of election, as well as in the field; and one witness deposed, that he believed half the people at the house of election were armed with clubs and other weapons. It was also given in evidence, that sundry persons were insulted and violently assaulted, professedly because they were *whigs*, *Presbyterians*, or *Irish-men*; that one fellow in particular, after assaulting a whig with several blows, swore his teeth had grown an inch, on that day, that he might *eat* Presbyterians and Irish men; that some huzzaed for the *King*, and others expressed a hope, that they might again come under the old government. It was agreed by all, and acknowledged by the sheriff,⁶² that, before the election was closed, he had called in 40 or 50 armed men from the field, as a guard round the house, where the election was held.

The council for the petitioners⁶³ respectfully set forth, the dangers of infringing the freedom of election; that from the testimony

* J[ame]s Buchanan.

† By Major Peery and Col. Hall.

⁶¹ Nathaniel Mitchell.

⁶² Peter Fretwell Wright.

⁶³ Joseph Miller, a Dover lawyer.

adduced, the whigs and best citizens of the county of Sussex, were manifestly restrained from attending, and the freedom of the election infringed; lastly, that calling in the aid of an armed force, to protect an election in a military manner, must vitiate such election. Besides the constitution and laws of the state, many learned authorities * were quoted, to shew the great abhorrence the freedom of election had to every kind of military force. He therefore hoped and expected, the honorable house of assembly would wisely determine the late election of Sussex to be illegal and void.

A member of the house well acquainted with the rights of a free people, modestly observed, that waving all personal considerations and those indiscretions which proceed from party or prejudice, he begged leave to call the attention of the house, to the single circumstance of carrying the election under the *influence* of a military force. He said, however it might serve one party this year, it might serve another party next year; and he shuddered at the idea of a precedent being set, for establishing such a rule of conduct throughout the state.

The returned members employed no council. They relied upon a speaker on the floor, and were secure in a majority. It was contended on their behalf, that the previous riots and disturbances were a just and reasonable apology, for the measures taken at the late Sussex election; † that the people had a right to assemble as they did, in defence of their rights and privileges; nor did the election laws forbid whole armies from assembling, in military array, if they only kept a mile off from the place of election; that the indiscreet expressions of individuals, a few clubs, pistols and swords, and even boxing and fighting about indifferent matters, were no impediments to the freedom of voting; that all present might have voted if they pleased, and all who stayed away, might have come if they would. Finally with an air of triumph it was declared, that the electors, on this occasion, had behaved like *genuine sons of Delaware*.

The question being put, it was *resolved*, that the several persons mentioned in the sheriff's return, were duly elected. It deserves to

* Montesq. Locke, Hume, Adams, &c.

† There is a curious anecdote of one of our representatives. Being asked if the election had been carried in New-Castle as it was in Sussex, whether he thought it would be legal and ought to be established? He answered, that for New-Castle it ought to be set aside, but established for Sussex.

be noted, that a member from each of the counties of Kent and New-Castle were absent, that another member from New-Castle declined to vote,⁶⁴ because he had not been present at the examination of the witnesses, that the speaker's vote was not required; and that therefore, this important question was determined by the voices of ten men only, 4 against 6 for establishing the election.

The council for the petitioners did not think it necessary to give himself any trouble in advocating their cause, before the legislative council. It was agreed, that the depositions taken before the house of assembly, should serve as evidence before the council. These were read and the petitions dismissed.

The reader may here indulge his own reflections, in comparing the judgment on the present election, with that on the last, or any former occasion, when the tories were petitioners. We shall proceed in our narrative. No sooner was the election established, than the most cordial and inviolable connection took place, between the DIONYSIANS of New-Castle, and the tories of Sussex. The cordiality indeed was established before, the treaty was now only to be definitively ratified. On all important questions, especially those which were intended to influence the policy of the state, they uniformly voted together. The patriots of Kent were left to wrap themselves in their virtue; and in return for their multiplied mortifications, to derive consolation from the approbation they might receive from distant states, or the honors paid to their recorded names, at remote periods of time. The DIONYSIAN power was now paramount in both branches of the legislature; and the leader of the faction seemed determined, to exercise it in a very exemplary manner.

The first instance he gave, was in cutting out for himself a lucrative jobb. Repeated efforts had been made for revising and reprinting the laws of the state. DIONYSIUS being one of the three appointed to carry this work into execution, constantly frustrated and hindered the design, according to his own account, because he would not depend upon a discretionary reward, after the work was done. At a preceding session, that the reward might be undivided, DIONYSIUS made proposals, for doing this business alone. The house of assembly complaisantly agreed to his proposals; but the council rejected them as extravagant. The same proposals were

⁶⁴ Thomas Evans.

now renewed, and both houses agreed to them without hesitation. According to this agreement, another person was to be hired by the public to collect and provide him with all the laws, and DIONYSIUS was to be paid for revising, superintending the printing &c. between three and four hundred pounds while the work was in hand, and as much more as the general assembly should think right and reasonable, when the business should be compleated: amounting in the whole, at a moderate computation, to an expence of about 600l. All this was agreed to, although it was notorious that the chief justice, a man better qualified, both by leisure and talents, would have undertaken the whole service for 150l. DIONYSIUS, however, took care before the end of the year to have orders drawn upon the loan-officer of New-Castle county, for a principal part of what was stipulated to be paid, previous to the delivery of the work: lest his own example in legislation, should induce a future legislature, to undo, what this obsequious assembly had done for him.

The next project which ripened into view, was most diabolical. This was materially to injure in his property and reputation, one of the most distinguished citizens of Delaware, a man equally exemplary for an amiable disposition and engaging manners, as for his disinterested patriotism; and who could not have given just offence, nor disoblged DIONYSIUS otherwise, than by the envy excited at his deserved reputation, and great popularity in New-Castle county.⁶⁵

To give a correct detail of this transaction, it will be necessary to go back a year or two, when this worthy character was president of the state. It is also proper to be observed, that he was elected president, in opposition to a *creature* set up by DIONYSIUS; and was so universally established in the esteem and affections of the people, that an open and bold attack, like that upon the loan-officer, would have been vain and hazardous: a proceeding by sap, therefore, became necessary.

When the commissioners for issuing depreciation certificates, were about to close the business of their appointment, by a report to the legislature, concerning the certificates due for services done by persons who died in the army, and left no heirs or legal representatives; a conversation arose upon the subject, among the members

⁶⁵ Nicholas Van Dyke.

of the legislative council, convened in the council chamber. DIONYSIUS suddenly declared, that all certificates of the above description, belonged to the president; he produced the body of the laws, read the law, and thus confirmed the judgment he had give. The councillors present generally expressed their satisfaction, that a man who had deserved it so well, should receive an accidental reward of this sort, as some compensation for the sacrifices he had made. The opinion became generally known, and was not controverted. The chief justice was one of the auditors, and from a persuasion of the truth and justice of this opinion, did not hesitate to issue * the certificates to the president. The state treasurer, having heard the judgment pronounced by DIONYSIUS, with his own ears, and not hearing it controverted by any body, paid the interest due, agreeably to the president's order. The matter rested thus for 12 or 18 months, until the rage happened for depreciation and scaling away of the public securities. Then we find among the important prayers of a noted memorial from the county of New-Castle, there is one for an enquiry to be instituted by the legislature, whether more certificates have issued, than for which *just* claimants have appeared; and if so, to oblige the receivers to pay the same *speedily* into the state treasury. This language of the memorial is respectfully cited on the minutes of the house of assembly, in the November sessions 1787. In January following, a committee reported, "That all such persons as have heretofore drawn any monies upon the above described certificates, from the treasury of this state, shall be directed and *compelled* to refund the same." During the last session in June, a bill was brought in and passed the house of assembly, conformably to the report of the committee. When sent to council for concurrence, DIONYSIUS had the effrontery to advocate this bill; and declared his surprise, that any man should suppose himself entitled to receive such certificates, or any emoluments from them. A member then rose and begged leave to say a few words, by way of information on this subject. He remarked

* Note. The receipt given for these certificates, specified, that the principal and interest should be paid over to such of the soldiers in whose names they were issued, or their representatives, when called for: Those for which no legal demand should ever be made, were deemed escheatable property. The late president, probably, also received of the agent for the Delaware line, sundry final settlement certificates, under like circumstances. These might be equally the object of legislative proceedings, though not so immediately the subject of DIONYSIAN duplicity.

first, that there was something curious in the title of this bill, and recited it as follows. "A bill entituled an act to provide for the appropriation of such certificates of depreciation, as have not been claimed by persons *justly intitled to the same*." He said, whether *justly* or *unjustly*, such certificates and the interest upon them, had been paid to the late president, upon the advice and opinion of the worthy member last upon the floor; and called to mind the time and occasion before stated. DIONYSIUS in trembling astonishment, replied, that the gentleman must be mistaken; that he did not recollect having given such an opinion, and if he had, he said it must have been *without book*, and was not now to be regarded. The member rejoined, that it was not done *without book*; but *upon opening the book, and reading the law*, the judgment was pronounced. The bill rested from this time to the end of the sessions, without any further proceedings upon it; and remains as a matter of curious speculation until some future sessions shall take it up.

It is not necessary here to decide upon the late president's claim to these certificates. This may eventually be determined by a court of justice. We would only remark upon the astonishing duplicity of DIONYSIUS, and leave every impartial enquirer to judge for himself, as to the extent of the object, and the detestable nature of the whole of these proceedings.

This was esteemed a glorious opportunity by the DIONYSIAN faction, for filling up all offices in the appointment of the legislature. Under various pretexts, the judges of the court of appeals had never been appointed. There were sundry vacancies in the courts of common-pleas, which ought to have been filled up before; but a law was made, to enable a less number to serve. This favorable juncture was seized with avidity; and all the vacancies in the judiciary and executive departments were filled up. In almost every instance, men were chosen for their partial and prejudiced attachment to the tyrant and his measures. It must be confessed, however, they were not generally mean or scandalous in their characters, like those appointed in the first organization of the government: and not to dwell upon equivocal circumstances, our observations shall be confined to the court of appeals.

This is an important court, consisting of the president and six others, three to be appointed by the house of assembly, and three by the legislative council; to whom appeals from the supreme court

of Delaware lie in matters of law and equity; and who have all the authority and powers, given by law in the last resort, to the *King* in council, under the old government. Of the six men appointed, there were but two lawyers;⁶⁶ and there were at least the same number, who could not write English or any other language grammatically. It was well known at the same time, that two other lawyers,* men of honor and talents, would have served, if appointed. But they had both fought for independence, and had never yet bowed the neck to our TYRANT; they were therefore ineligible! Illiterate persons were not appointed, because those better qualified could not be had. Must it not then have been to secure an undue influence, in this last resort of justice; whereby exorbitant fees might be extorted, and vengeance taken of those who shall presume to resist the tyrant and his prevailing faction! These are matters of serious consideration with the people of Delaware; and ought to engage an eye of pity towards us, even from the neighbouring states.

Towards the close of the sessions, two laws passed with a special view to securing the ensuing elections. One was for repealing the test law, or the act for the further security of the government. The other was for again altering the place of election for Sussex county, and holding it in the swamps, at the place so successfully defended by the tories and black-campers. All this was done, without being asked for by the people; but sundry petitions from the people of New-Castle, praying for a law to make their general election more convenient, by holding it in districts, instead of one place,⁶⁷ in a corner of the county, were utterly disregarded.

Every reader beyond the bounds of Delaware would suppose, from the relation given of the Sussex elections, that the general assembly would have been solicitous to protect the brave whigs of that county, from the insolence of those tories and refugees, whom they had, with so much patriotism and manly spirit, subdued in the revolution: and who will not be astonished at being told, that the laws of Delaware were prostituted to the infamous purpose of reducing those very whigs, tried as in the furnace, and proven to be genuine, to the sect of those very tories and refugees, who

* Col. Hall and Major Peery.

⁶⁶ John Dickinson, Nicholas Van Dyke, Joshua Clayton, James Raymond, James Sykes, and George Mitchell. Dickinson and Van Dyke were the two lawyers.

⁶⁷ New Castle.

made savage war upon us during the revolution, and were chiefly concerned to deliver up the country to the British! Who would imagine, when elections are carried by the force and influence of arms, that tories and refugees from all parts of the world, would, by law, be invited to Delaware, to glut their vengeance on the revolutionists! Nevertheless, with candid men, this is the most obvious meaning and construction of these laws. The one law indeed serves to explain the other. Nobody will suppose that the place of election was removed to the swamps of Sussex, and fixed in the midst of the body of black-campers, for the protection or benefit of peaceable and good citizens. Neither will it be supposed, that the Test Act was repealed for the sole purpose of embracing in the privileges, and attaching to the interests of government, a few dispassionate and good men, who from religious connection, or a reluctance to interfere in the transactions, and especially the turbulence and disorders of government, have hitherto neglected to qualify. This is the more manifest, as the nature of our test law is such as to interfere with the conscience of no man well affected to the government; and there is no limitation of time for qualifying. Many of the Quakers had therefore qualified; and, indeed, in the two upper counties, but few men remained unqualified. The conclusion is therefore fair, that these laws were not made in favour of the virtuous and quiet; but for the gratification and encouragement of the most prejudiced and disaffected among ourselves; and for calling in auxiliaries of the same stamp, even from other states and countries.

These active doings of the DIONYSIAN faction are further explained by what they did not do. Two requisitions of congress, for the payment of interest on the public debts, at this time lay on the tables of the legislature, but neither of them was regarded otherwise than as a matter of triumph, that it appeared by the last of these requisitions, congress were unable to provide a fund for the redemption of the facilities which had been issued by their authority. Indeed this requisition, most probably, was brought about in the form it stands, by the influence of those states, who pay their own citizens the interest arising on their public securities; and might have signified to the government of Delaware, that their citizens must be great losers, unless they provided a fund for their relief. But as if rejoicing in their former perfidious conduct,

they now added contempt and insult to injury, by refusing and neglecting to comply with the requisitions in any form whatsoever. What would they have done, had the *TORIES* been specially interested in a compliance, instead of the whigs or revolutionists? Is it not manifest, that by thus destroying the faith of government, the public securities are driven from among us, and center in the neighbouring states? And how severely will the whole community suffer, when compelled by an efficient government, to pay the principal and interest, to citizens of such states as are wise enough to protect the public faith, and encourage a confidence in government? Is it possible, that a policy so manifestly injurious to the whole community, can proceed from any other root, than a malignant enmity to the revolution, and those specially concerned in bringing it about.

SECTION VI.

Conclusion: exhibiting a connected View of the Rise, Progress and present State of the Delaware Tyranny.

BY a review of what has been delivered, and reducing the sum and substance into method and order, agreeably to the nature of the subject, may be obtained a concise and connected view of the *rise, progress and present state of the Delaware tyranny*. In this disquisition, the person or character of leading influence and specially answerable for what has happened; the means employed to effect his purposes; and the consequences of his measures or policy upon the government, are especially to be regarded.

It appears the three lower counties upon *Delaware* were a proprietary colony before the revolution; and before the troubles came on, by various arts and intrigues, the free constitution of this beautiful little government, was nearly subverted, to serve the lucrative views of the *proprietaries*.

Delaware was remarkably unanimous in her patriotic opposition to the oppressive encroachments of Great Britain, so long as the *proprietaries* were led to make a common interest with the people, by their fear of the crown's assumption of the government; but on the first suggestion of the necessity of the people's assuming the government, *DIONYSIUS* and all the proprietary tools he could

influence, grew jealous and cool in their opposition; and before the declaration of *independence*, were not only violently opposed to it themselves, but with astonishing art and assiduity, deceived and seduced into their opposition, a majority of the people of the states.

The faction thus numerous and powerful, by the conjunction of all sorts of tories and disaffected, would have given up the state at once to the enemy, had they not been over-awed by the transactions and influence of the surrounding states. A bold surrender they dared not attempt, but they threw cold water on every recommendation, and with reluctant steps advanced always in the rear, in complying with the measures of Congress.

The manner of filling up the new government, discovers manifestly, that after independence was declared, the hopes and design of surrendering the state to the enemy remained, whenever a favorable opportunity offered. The government was not only put into disaffected hands, but such as were rivetted in their prejudices, and inspired with revenge against the revolutionists, by treatment the most shameful and disgusting.

The notorious concert of DIONYSIUS with the tories and disaffected of every description, his zealous patronage of Robinson and other offenders, his opposition to independence in congress, as well as the state legislature, in short, his measures, connections and influence combined shew to a demonstration, that he was the head and leader of this motley faction.

The means employed by DIONYSIUS to effect his purposes, may be divided into the instruments of his power, and the measures he pursued; or according to common phrase, *men* and *measures*.

Beyond all controversy, *proprietary* influence was the root of the evil—the principal source of toryism in Delaware. Most of the officers of the proprietary government were led off by DIONYSIUS, into the opposition to independence; and such were their powers and influence over the people, and such their success in exciting new and unreasonable prejudices, that notwithstanding the unanimity which pervaded the state, in favour of congressional measures, during the first of the troubles, the tories carried their elections in October 1776.

From this time forward the tories were the chosen instruments of DIONYSIAN power. On all occasions, he encouraged them in their disaffection; and they were uniformly and obsequiously devoted to

his will and pleasure. Nothing is more astonishing, than the means employed annually to elect a majority of tories, except the partiality of DIONYSIUS, in case of any dispute in the elections. In 1776 when the Sussex tories, besides other outrages, which their numbers enabled them to commit, stood at the court-house door with clubs, and permitted none to vote, but such as would previously declare for the *King*, DIONYSIUS referred the complaining whigs to an action at law, for any damages they might have sustained in their civil privileges; but a few clubs, or the least appearance of force any where in the street, or any disturbance about an indifferent matter, no ways relating to the election, were at all times sufficient to overthrow an election, when the whigs prevailed. Whole armies indeed may be employed on the part of the tories; while a few clubs, or accidental weapons of any kind, are insufferable on the part of the whigs. The late stretch of power, in changing the place of election in Sussex, and repealing the Test Act, can have no possible object, but an election of ignorant and prejudiced characters, favourable to the DIONYSIAN system.

The character of the members so strenuously contended for, beyond all bounds of the most factious partiality, will serve further to illustrate this matter. The present representatives of Sussex consist of ten members, three of the legislative Council, and seven of the house of Assembly. Of this whole number there is not one who can write a common letter, in grammatical construction; much less are they qualified to draw a law, or perform any legislative duty, except that of saying *yea* or *nay*, according to the example of their leader. If any thing can heighten the picture and choice of such representatives, it is the contrast of those persons elected by the whigs, and with so much partiality rejected by the *Dionysian* faction, to make room for the sitting members; they were men of talents as well as disinterested patriotism, and qualified for every transaction of government.

From the first apprehension of it, *independence* was the ostensible pretext of opposition. The most violent opposition was made to it, until formally declared by the United States; and afterwards, until the peace was ratified, the *Dionysians* constantly amused their deluded followers, with the hopes of returning to a dependence on Great Britain. It is true there were other auxiliary motives added to this leading principle, The violence of republicanism, and the

danger of presbyterianism, were occasionally preached; and the folly of resisting the mighty power of *Britain*, was an hackneyed argument in Delaware, until the peace was ratified.

Since the peace, all hopes of returning to the arms of Britain being cut off, religious prejudices were cultivated by the *Dionysians*, with redoubled energy, as the main spring of action. The outrageous declamation against presbyterians, in the two lower counties, would lead a stranger to imagine, that this denomination had been guilty of some conspiracy or massacre; and the same principle is not without cultivation, *under the rose*, even in New-Castle. In Kent and Sussex, presbyterians are as carefully excluded, from the *Dionysian* tickets of candidates, as if one would contaminate the whole bunch; and in New-Castle, where the number of presbyterians commands respect, and to save appearances it is necessary to admit *a few*; yet it is curious to observe how cautiously they are chosen. The utmost clamour is raised against those of any talents, whilst weak men, who have no object beyond the honor of a seat in the general Assembly, are alone admitted into the *Dionysian* connection.

This out-cry against Presbyterians is the more extraordinary, as no denomination whatsoever have been more generally revolutionists. They are indeed almost without exception. Neither are any overt actions of the Presbyterians in Delaware, cited for the affected apprehensions of them. The clamour raised against them is altogether in general terms. The most dreadful consequences are threatened, in case the Presbyterians are suffered to get into power. Their ambition is represented as unbounded; and the tragedies of New-England are brought into frequent view. As to political measures and considerations, in which all denominations are alike interested, these are kept out of view, by cherishing and inculcating publicly and privately, the imminent dangers resulting from *Presbyterian* influence.

The Author of all religion, has not enjoined any set form of worship. The mere mode of worship is left very much at discretion, to be accommodated perhaps to the various circumstances of the church. A most liberal writer * observes, that Providence may have permitted so great a variety of modes of worship, for good purposes, particularly to serve as a *ensor morum* upon each other. It is

* Mr. Jefferson.

generally agreed, that faith is subservient to morality; and we have reason to believe, that man's faith will serve him best, which is productive of the best life and conversation. We know that charity is the end of the law, and the fulfilment of the gospel; and what God specially requires of all his creatures, is, to be *worshipped in spirit and in truth*. To love God and our neighbour, is the sum of true religion. What then must we think of the those politicians, who do not hesitate to destroy all charity, and wantonly sacrifice the very essence of religion, to their mean prejudices and low ambition? Can such men be *religious, virtuous, or honest*? No, to the honor of the christian religion, bold offenders in this way, are only to be found among the openly profane and vicious, professed infidels, or the grossly ignorant. We forbear to comment on those weak men, and that unfortunate people, who may be duped by such politicians.

As the leaders of disaffection lost their influence by the peace, new and increased efforts were required, for three years past, to establish DIONYSIUS and his faction, in their tyranny. They began with reducing the brave and genuine whigs of Sussex. For this purpose, besides the usual uproar against presbyterians, the black-campers, refugees and non-jurors of every description, were hunted up, and as many as could be prevailed on, were qualified for voting, and gave the tories of that county, a decided majority.

In Kent they relied on an increased assiduity and inveighing more bitterly than ever, against *presbyterians*. The *presbyterian* ticket was the familiar butt of opposition, though but two men out of eight, were supposed to be of that persuasion, and their religious connection not well ascertained. As manœuvring is of great consequence in this county, probably their art in this branch of policy, contributed not a little to the success of the faction.

But in New-Castle they had a very different card to play. Here the presbyterians are to be patted asleep, and even a presbyterian agent of *quondam rank and authority*, was engaged, by the hope of reward, to memorialize and preach incessantly to the people on the subject of the public debt. As in Kent and Sussex all denominations were summoned to league against a few *presbyterians*; so in New-Castle, all other citizens were invited to share the plunder of the public creditors. Great advantages were promised the public, from a scale of depreciation for certificates; and

the electors were harangued to be guarded in their choice, against the holders of public securities. The success of this election should be a sting to the people of New-Castle, as lasting as it is poignant and mortifying. Instead of a scale of depreciation and the mighty benefits promised, they now behold an *expensive jobb* cut out for DIONYSIUS; and the fund appropriated to the payment of interest to the army creditors, seized upon to make the more prompt and ready payment to the TYRANT and his *quondam governor*.

This being accomplished, we hear no further talk of public debts; and we are led to imagine, that the government is totally unconcerned about those that remain unsatisfied. We are also left to conjecture, whether something more than a little emolument, did not spur on DIONYSIUS and his partizans, in the extraordinary exertions of last year. Quere: Might not the ambition of our TYRANT have been fired with the design of filling up the new federal government to his liking? And quere, whether in organizing the new government, *Delaware* and all America should not be strictly guarded against such a man as DIONYSIUS? A man by whose influence every attempt to open a land-office, has been frustrated; who on all occasions has maintained the *proprietary claims* upon this state *untouched*; and who, by every discerning man, is considered as retained to this day, by the *proprietaries*, in opposition to the people of the state;⁶⁸ who, as the head and source of disaffection, has established a tyranny in his native state, and perverted the constitution and laws to the most unjustifiable purposes; and of whom it has been predicted * with great sagacity long ago, that if ever he got his foot on the threshold, he would make his way into the cabinet of any government.

As a means of encouragement and gratification to the tories, and disaffected partizans of DIONYSIUS, and to depress, if possible, all spirit of resistance in the whigs; the proceedings or minutes of the legislature are made a mere record of scandal against the whigs. If the honest zeal of a whig of any note, led him into any intemperance or indiscretion, it was registered of course, especially if any dispute happened about the election. But the professed disaffection,

* By an Adams.

⁶⁸ Apparently Read was not retained by the proprietors in 1788. In 1789 John Penn sought to employ Read on family business, but Read declined, pleading pressure of other affairs. Read, *George Read*, 485; Richard S. Rodney, "The End of the Penns' Claims to Delaware, 1789-1814," *Pennsylvania Magazine of History and Biography*, LXI (1937), 184, 186.

the riots and blasphemy of the tories, so notorious and common at the elections of Sussex, especially, have always been passed over in silence, and hid as much as possible from the world.

Not only the minutes of the legislature, but the laws of the state are prostituted, as mere engines of faction. In legislation, DIONYSIUS is the champion of public faith and credit, in those matters wherein the tories are interested; but for rewarding the officers and soldiers, he exhibits a plan of depreciation, and scaling away the public debts. Laws and resolutions are passed for paying himself and others subservient to his views, all they ask and without delay; and in the aid of the funds, necessary to accomplish this purpose, there is no hesitation, by an *ex post facto* law, to seize upon a fund solemnly appropriated to the discharge of the interest due upon depreciation certificates; and to declare that it is *unjust* and *unreasonable*, that this interest should be paid, until the principal and interest of all other debts are discharged. According to the nature of the case, bold attempts are made, or the more cautious method of *sap* and undermining pursued, for destroying the reputation and property of the most upright and faithful individuals. DIONYSIUS and his faction, indeed, affect to do all things *according to law*. According to law, they raised an army for the protection of the freedom of election, for the refugees and black-campers. By a law, they have again changed the place of election, to the swamps of Sussex, and in the midst of the black-campers. By *ex post facto* laws, they constantly break the public faith and contracts with individuals, for defrauding the revolutionists. In short, the most infamous transactions are thus sanctioned by law.

But no department in the government of Delaware is more perfectly enslaved to DIONYSIUS, than the executive. As this derives its appointment and subsistence from the legislative, the prevalence of the DIONYSIAN faction, for several years past, in the legislature, has moulded the executive to their own liking. The time has been, when there was at least so much decorum in our executive, that DIONYSIUS found it necessary to write long and voluminous epistles, to compass his designs with that body. But he may now save himself the trouble. Our executive glory in being the tools of a party. Their honors and rewards are bestowed *professedly* in subserviency to their party. Thus the brave Col. Hall, acknowledged to be the best qualified *prothonotary* in the government, was told by a

member of the *privy council*, as the *only* reason for displacing him, *he was not of the right party*. He was accordingly dismissed from his office; and, contrary to all former precedent, another was appointed,⁶⁹ who came recommended to their honors, for having *gallantly defended* the black campers and refugees, in the privilege of voting. This man was no doubt of *the right party*.

Some idea of our courts of justice may be formed from the nature of the appointments, at the first organization of the government. Nor have our courts been improved by every appointment since. The DIONYSIANS, on all occasions, when it is in their power, fill our courts with men possessed of the most bitter and inordinate party prejudices, and especially such, as by overt actions and behaviour, are most obnoxious to the whigs. The supreme court must be acknowledged an independent judicatory. It would be tedious by numerous instances to point out the ignorance and partiality of the other courts. This single circumstance may serve to characterize them; that the most ignorant and stupid pleaders at the bar, in sundry instances, are able to extort the most inordinate fees; men who have not talents to stand alone, whose importance depend, solely upon their factious connection, obtain the most lucrative practice, from a supposed influence with the courts, which is but too well founded.

In short, the honours and rewards of the *Delaware* Government are lavished upon men capable of those bigotted and mean prejudices, both religious and political, that would degrade them any where else; whilst talents and integrity serve only to render a man obnoxious, and perhaps the object of some legal enterprize, for destroying his reputation and property. All confidence in the public is lost: and it is so far destroyed between individuals, that little more than personal honour remains to be relied upon. We can neither borrow nor lend, and are cramped in all the enterprizes encouraged by good government. The public securities of every kind are driven out of the state; and thus what should serve us as the most convenient resource for paying our share of the national debt, will, as soon as the federal government shall acquire a due efficiency, become an empoverishing drain from our industry, that may even affect the population of the state. The public revenues, instead of being *specifically appropriated*, as in other states and

⁶⁹ Nathaniel Mitchell.

countries, are consolidated into one fund, and appropriated at the *discretion* of our TYRANT, for the payment of himself and favourites; whilst the army creditors are openly defrauded, with all the forms of law. We had the reputation of a tory state during the revolution; and we deserve it better since. All this disgrace, all this misfortune has been brought upon us by DIONYSIUS. Good men having been occasionally seduced, or weak and unguarded whigs corrupted into his connection, afford no apology for him. However others may have shared with him the wages of unrighteousness, he is answerable for the whole. No other man had powers to do us the same injury. He alone devised the enterprize, and effected the measures, for thus enslaving his *native state*.

The whigs of Delaware, however, are not without hope. Although the county of New-Castle, through inadvertence, has hitherto furnished a TYRANT for the state; yet this same county contains a fountain of virtue, sealed up and pressed down, as it were, which we may reasonably hope will, one day, burst forth, and overwhelm the adversaries of truth and good government. The notable league between the DIONYSIAN representatives of New-Castle, and the Sussex tories, has already brought the *goad* to the backs of the New-Castle whigs, and will probably soon rouse them from their lethargy, and bring them to a quick sense of feeling. They will then no longer make light of the struggles of their lower county brethren; but leaguings in the common cause, will have it amply in their power to give a new *ton* to the government, adequate to an entire redress of our grievances.

Although every other means under Providence should fail us, we hope at least to derive some consolation from the NEW FEDERAL CONSTITUTION. From hence we may expect some standing institutions to walk by. Fraudulent retrospective laws, will be no more. The injured and oppressed army creditors of Delaware, may hence expect a just reward to their patient virtue, and hope to derive some emolument from their public securities. All good men will rejoice in the near prospect of an uniform act of naturalization, and that DELAWARE will not be destined as the sink of TORYISM. And although it should be long, before Virtue shall become triumphant over Vice, good men will nevertheless be more out of the reach and power of unjust and wicked oppressors, than heretofore.

F I N I S.

APPENDIX

NOTES ON TIMOLEONS BIOGRAPHICAL HISTORY OF DIONYSIUS

[by Thomas Rodney]

There is no doubt but the person designated by this character is George Read of New Castle

It is the general opinion that Doctor Tilton is the author of this Treatise; but some expressions in it give reason to conjecture there is more than one person that lent a hand to it—

Page 10—"Dionysius in 1765 attended at the first American Congress at New York, and acquitted himself to the satisfaction of the People of Delaware"

Note. This is not true if George Read is meant—for *Caesar Rodney, Thomas McKean & Jacob Kollock* were the Delegates appointed to that Congress and *Rodney & McKean* only attended

Page 17—Note At the time Robisson arrived at Dover the Captain of the Infantry⁷⁰ had his horse at the Door waiting for Col: Hazlet to set off for New-Castle to meet the Assembly and as Col: Hazlett delayed at the Tavern he stepped down there to hurry him and there found him in a room with Captⁿ P.—B. S. & R. McC [not clear] & about 20 others, who also seemed in some adjutation he asked what was the matter? they answered that the Infantry was about to seize Robisson whereupon the Captⁿ asked where the Infantry were? they replied shut up in a room by themselves, where they would not admit him. whereupon he replied with warmth that he would Instantly stop them, and Turned to the door, when 6 or 7 of them slammed too the door & stood against it—Fired at this he replied with warmth that he would not submit to such proceedings; That it was unbecoming the character of Gentlemen. at which they so far relaxed as to agree to send only a single

⁷⁰ Thomas Rodney. For an interesting account of Rodney's actions at this time see William B. Hamilton, *Anglo-American Law on the Frontier: Thomas Rodney & His Territorial Cases* (Durham, 1953), especially pp. 14-22.

person with a written request to Robisson that he would not take his seat Till the Charge against him was heard by the Assembly— This was complied with; but the messenger mett Jacob Moore at the door, who drew his sword and opposed his Entry whereupon a scuffle Ensued, and the Crowd collecting the sword was broke to peices & Robisson & Moore both seized and Confined Till released by Order of the Assembly—

Page 19—Note The House Enquired into the Charges against Robisson, by Viewing the Minutes, and Examining sundry Members, of the Committee of Sussex, but found the Testimony so vague & uncertain that Mr Kean proposed Robissons subscribing a solemn Declaration of his Innocence and giving security for his good behaviour in future as the best way of gitting over this business, which was agreed to, & the Infantry Honorably dismissed so that neither threts or persuasion influenced any of the Patriots on this Occasion. And tho' G. R. on this Occasion, and soon afterwards in the case of Clarke, discovered the most deep rooted principles of disaffection to the cause of America, and exerted all his Skill and Influence, yet he was so Over powered by the Abilities of Mr McKean & the members of Kent that he was foiled in all his measures during that Assembly—

Page 20. "One Clark, who had been bold & insolent &c was seized upon by the people of Dover"

Note— As this Event & that of Robisson Commenced all the Whig & Tory feweds that have reigned in Kent & Sussex since, it is material to give a True account of them— Clark had been noted for his opposition to the measures of America, and was very Assiduous in Circulating to [the] Remonstrance, quoted in page 13. tho he was a member of the Committee— The Instructions quoted in page 12 & this remonstrance were both brought into the Committee of Kent to be Considered that the Committee might thereupon Instruct their Members of Assembly as to the Change of Government— A good Many Officers and Captⁿ Popes Company of the D. Regiment was In Town and Many hundreds of the people from the Country— The Committee was very full and Col: Hazlet who was then a neighbour to Clark was admitted and Exhibited Many Verbal Charges against the said Clark, but they were not attended to the More Important business as to the Change of

Government being before the Committee they proceeded to Consider the Petition or Instruction & Memorial afs^d and went fully into the propriety of Establish^g an Independant Government where-in the captain of the Infantry (being one of the Committee as well as a Member of the Assembly) Took a leading part shewed the Necessity of Acting agreeable to the Instructions afs^d and the dangerous Tendency of the Remonstrance and shewed from Montesque and other great Authorities the propriety of Establishing such a Government and confederation of the Colonies as they afterwards Entered Into— This kept the Committee Closely Engaged from three OClock Till nine In the Evening— when they passed sundry Resolutions against the said Remonstrance and approved of the Instructions and then adjourned— The Committee and Especially the Captⁿ of the Infantry & many others remained in the room, when Thomas White who had been out, returned & Informed the Captⁿ that some Members of the Committee, but he did not know who was seized by the people— The Captⁿ requested the Committee to remain in the room & he would In-deavour to release the person, he Instantly run out and found the people in a great croud moving near to wards the stocks or whipping post, but the croud was so great he could not git near Enough even to hear who it was it being very dark— he then run down to Col: Hazlet who he found standing in Bells Tavern door looking Towards the Tumult, he asked the Col: for his officers he answered verry short *he knowed nothing about them*, The Captⁿ replied such conduct was verry wrong & he would not suffer it— And as he returned some body had set fire to a heap of brush which [had] been piled up no doubt for that purpose this gave such light that the Captⁿ could be distinguished & see his way & he Instantly rushed in and released the person seized which he found to be Clark, but by this time they had put him in the pillory pelted him with Eggs & got him down again tho all happened in a few minutes and the Captⁿ returned to the Committee room again and found the Members had all fled.

Clark and White got into Bassetts who was Captain of the light horse,⁷¹ and there they all Concerted the Insurrection that soon followed.

⁷¹ Richard Bassett.

On the Evening before the Enterprize was to be Executed against Dover— one of the light horse revealed the design to Captⁿ Pope at Cross Roads who sent an Express to the Captⁿ of the Infantry which arrived about 12 OClock at night whereupon proper measures were Taken for the defense of the Town— The Captⁿ of the Horse not suspecting that the Infantry had got any Intelligence of the design was Taken in his bed in the Morning and laid under parole All the Amunition was seized upon and every suspected person put Under Guard—Till the Insurgents sent a deputation desiring that all Matters Might be Accomodated whereupon the Captⁿ of the Infantry desirous of avoiding the shedding of blood among his Country men and neighbours, many of whom among the deluded insurgents he knew had been his old friends, went out to their camp taking with him Mr Shee and there Agreed with Clarke and White that If they would depart home peaceably & remain quiet in future that they should not be molested whereupon they all departed with great Joy,

This particular detail is noticed because the Captⁿ of the Infantry was blamed by the Tories as the Author of both these seizures whereas they both happened unexpectedly to him and without his knowledge. and were such outrages as he thought very impolitic, because they gave the disaffected a notable advantage of clamouring against the Patriots and however Zealous he was for the Revolution, he was desirous of Effecting it If possible without Injuring any Individual in his person or property, & so strictly adhered to this that he cannot be truly Charged with the Contrary.