

## **The Smoldering Effect of Gaspee's Burning: The Right to a Jury Trial of One's Peers**

King John<sup>1</sup> established the right to a trial by jury of one's peers in Chapter 39 of the Magna Carta in 1215.<sup>2</sup> In 1606, the Virginia colonists included this fundamental right into their charter, and by 1772, the American colonies widely enforced this right.<sup>3</sup> That right was soon to be tested.

On June 9th, 1772, colonists burned the HMS *Gaspee*, a Navy Schooner enforcing the laws of Britain's King George III. King George III offered rewards for information about this treasonous burning<sup>4</sup> and created a Commission of Inquiry to investigate the incident.<sup>5</sup> However, after ten months, the investigation failed to identify any suspects or substantiate any evidence.<sup>6</sup>

This event stoked the sparks of smoldering distrust felt by the colonists toward King George III and publicly revealed the King's outright rejection of a vital constitutional right—the right to trial by the jury of one's peers. Had any colonist been arrested, the colonist would be forced to endure a 3,000 mile voyage, without consent, across the Atlantic Ocean to be tried by an unfamiliar legal system and ultimately judged by English citizens who could not possibly understand the colonial way of life. This edict amounted to a direct affront to the colonist's liberty, effectively undermined the very nature of their perceived rights as Englishmen and colonists, and contributed to an even greater distrust of the Crown.

Fueled by the collective outcry against the onerous *Gaspee* investigations, the colonists established the Committee of Correspondence. This correspondence was essential for the ideological foundation of the American Revolution; it supported the revolutionary fervor and provided the necessary common grievance for the colonists to unite against England.

The *Gaspee* Affair established crucial precedents for the American Revolution: the effectiveness of organized colonial defiance, the power of unified colonial justice in protecting

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<sup>1</sup> King John was my 23rd maternal Great Grandfather.

<sup>2</sup> "Magna Carta: Muse and Mentor Trial by Jury." Library of Congress. November 6, 2014. Accessed December 21, 2024. <https://www.loc.gov/exhibits/magna-carta-muse-and-mentor/trial-by-jury.html#:~:text=However%2C%20Chapter%2039%20of%20King,of%20the%20individual%20on%20trial.>

<sup>3</sup> Captivating History. *Magna Carta: A Captivating Guide to the History of the Great Charter and its Influence on Medieval England and the Rest of the World*. 2020. p.72-73.

<sup>4</sup> DeVaro, Jr., Lawrence Joseph. *The Impact of the Gaspee Affair on the Coming of the Revolution, 1772-1773*. Accessed December 21, 2024. <http://gaspee.org/DevaroGaspee7-2006.pdf> p.296.

<sup>5</sup> Messer, Peter C. "A Most Insulting Violation: The Burning of the HMS 'Gaspee' and the Delaying of the American Revolution." *The New England Quarterly*, vol. 88, no. 4, 2015, pp. 583. *JSTOR*, <http://www.jstor.org/stable/24718882>. Accessed 4 Dec. 2024.

<sup>6</sup> Chandler, Abby. *Seized with the Tempter of the Times: Identity and Rebellion in Pre-Revolutionary America*. Yarldey, PA, Westholme 2023. p.134-35.

their fellow colonist, and the creation of inter-colonial communication networks that would ultimately unite the colonies in rebellion. All of these actions sparked the ideological match of the Revolution and helped to coalesce a smoldering passion for building a unifying cry of freedom which includes, as poignantly illustrated through the Gaspee Affair, the fundamental right to a trial by a jury of one's peers.

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