Philadelphia engaged him to remain permanently in Lewes to superintend the defense of the entrance to the bay. He undertook this work and, until the end of the war, he was the eyes and ears of the patriot cause in that respect. He took command of all the other pilots to prevent their giving aid to the enemy. His own pilot-boat was employed to watch the waters outside the Capes for enemy ships, news of which he sent by one of his whale-boats or overland by express to the Committee and to the Continental Congress.

In this capacity, he became the prime representative of the revolution in his town and county. His duties called for activity on land, as well as at sea. In 1775, he was a major in the Delaware militia. Even before Lexington, he was maintaining a guard of 30 men at Henlopen light-house and another of 24, with alarm guns for signalling, at the False Cape below Henlopen. Later he also had armed whale-boats at Lewes Creek and Indian River Inlet to prevent enemy incursions and assist American ships chased by the enemy. In June, 1776, he notified the Congress of the activity of the Tories in his neighborhood and called for troops to "quiet them."

In October of that year, when an election was to be held in Lewes, the town was invaded by five or six hundred Tories. Fisher was practically alone against them, as "the few friends of America, almost worn out with perpetual Contention & convinced that further struggle were fruitless, had decided to take no hand in the contest . . . but very few of them came to Town." When he tried to prevent the mob from cutting down the Liberty Pole, he was set upon and maltreated.

He was in constant danger of being kidnapped by the various British ships-of-war which infested the bay and river during the conflict. At his request, in April, 1776, the Congress directed that two companies of the Delaware battalion be sent to Lewes to guard against enemy incursions and Tory uprisings, and in May the Congress authorized the special guard at the False Cape.

In April, 1777, it authorized him to raise an independent company of 100 men, on the Continental establishment "for the safeguard of the pilots and the persons and goods of other well affected inhabitants . . . residing or being near Lewistown and the coasts of Delaware bay," Mr. Fisher "if he chuses, to accept the command of the company . . . [and to] nominate his subalterns." Fisher declined the office of captain and named William Peery, with John Wesley as first lieutenant, David Hazzard second lieutenant and John Hazzard ensign.

In June, 1777, he joined with Captain Peery and two others in a

representation to the Congress of the constant trading and intercourse with the enemy ships in the bay and of the failure of the civil authorities to enforce the law against it. In consequence of this, the Congress ordered Colonel Richardson's regiment of Maryland Continental troops to be sent to Sussex County "to disarm the disaffected . . . to put a stop to the intercourse . . . with the enemy . . . and to apprehend . . . the leaders in such highly criminal practices;" 200 of the Delaware militia were to join and co-operate with the Marylanders.

The Journals of the Continental Congress record the frequent receipt of letters of information from Major Fisher. As has been stated, he was the first to send news of the appearance of Howe's fleet at the capes in July, 1777. His services on land and sea were unremitting throughout the war and his adventures on the waters of Delaware were frequent, various and often dangerous. It is claimed by the writer of a brief biography of Major Fisher (Delaware Register and Farmer's Magazine, Vol. II, 27–32) that he armed the company of 100 at his own expense, for which he never received any recompense.

He died in his home in Pilot Town, Lewes, in 1792, leaving a widow and several daughters.

(The sources of this sketch are the Journals of the Continental Congress for 1776 and 1777, Delaware Archives, Vols. I–III and the magazine above mentioned.)

APPENDIX 8

THE STARS AND STRIPES AT COOCH'S BRIDGE

In 1901 a monument of granite was erected at Cooch's Bridge, inscribed as follows: "The Stars and Stripes were first unfurled in battle at Cooch's Bridge September 5, 1777."

In 1932, the official Historic Markers Commission of Delaware placed a bronze tablet over the old inscription, which, after describing the affair of September 3, 1777, added "The only battle of the American Revolution on Delaware soil and claimed to have been the first in which the Stars and Stripes were carried."

There have been rival claims for this honor, notably that on behalf of Fort Stanwix, in New York State, which carried a flag during the siege begun on August 3, 1777. But it now appears reasonably certain that that flag, while having 13 stripes, bore in its canton or field (the upper corner) the cross of St. George superimposed on the cross of

St. Andrew, a device which had been adopted as the royal colors of James I, in 1609, and which is still found on the royal colors of England. The Stanwix claim was, therefore, discountenanced by the U.S. War Department in 1927. (Cooch 60, 68, 72.)

A similar claim for the Battle of Bennington, August 16, 1777, has also been advanced and supported by an ancient Stars and Stripes flag, still in existence, which was given by the grandfather of President Millard Fillmore to his nephew, with the statement that it was used at the Battle of Bennington, no other evidence in the way of records, newspaper accounts, or other contemporary writings having been adduced (Cooch, 72–3). The Battle of the Brandywine has had its advocates, but they seem to have yielded precedence to Cooch's Bridge, except to reserve the rights of their client to the honor of the flag's first appearance "in a real battle," eight days after the affair at the Bridge. (Cooch, 64–5.)

On what, then, does the claim for Cooch's Bridge rest? Not on any evidential historical facts whatever, as its chief proponents readily admit (Cooch, 60). Nor is there any legend or tradition, dating from Revolutionary times, to give it a color of truth. It was first made "in the early eighteen nineties" in an article in the Wilmington Morning News (Cooch, 73).

It is frankly founded on an argument and an assumption. The argument has been set forth in these terms: (1) "That circumstantial evidence indicates that the first use of the Stars and Stripes was at Cooch's Bridge." But since there is no indication of what that "circumstantial evidence" is, that simple statement fails to convince. Further, that "although this has never been definitely proved, it has likewise never been disproved," which, again, is hardly a convincing argument to support an alleged historical fact. (2) "That all evidence in support of Brandywine may be used in support of Cooch's Bridge," which may be admitted without getting us much further. (3) That the Stanwix flag was not the Stars and Stripes, which may be taken as proven, without giving Cooch's Bridge much help. (4) "That the claim of Bennington, Vermont, has no supporting evidence other than a flag of apparent antiquity," and the statement of a contemporary of the battle, one should add, both of which are lacking in the Bridge claim. (Cooch, 60–62.)

The assumption upon which the Bridge claim rests is, as its proponents readily admit, that, since the design of the new flag was adopted by the Congress, June 14, 1777, it is reasonable to suppose that before Washington's army marched through Philadelphia, on

August 24, "flags enough for each division and perhaps for each company" of the American army were made and in use, hence Maxwell at Cooch's Bridge would have had one. (Cooch 62–64.) So it might have been, but the question remains—was it?

Mr. R. C. Ballard Thruston, of Louisville, Kentucky, is generally acknowledged to be the outstanding authority on the history of the American flag. His monograph on "The Origin and Evolution of the United States Flag," was published as an official document of the 69th Congress in 1926. He points out that the resolution fixing the design for the new flag, was proposed by the Marine Committee (Cooch, 69) because of the immediate necessity of a flag for the navy. (Thruston, 11.) It is, of course, a matter of common knowledge that every ship must carry the flag of the nation to which it belongs, under penalty of being taken for a pirate, if it do not.

Mr. Thruston is positive in his opinion that the Stars and Stripes flag was not, in its inception, intended for the army and supports this by original correspondence, now in the Library of Congress, between Washington and the Board of War, beginning in 1779, on the subject of colors for the army. "This correspondence shows conclusively that the Stars and Stripes was intended as a Marine Flag and not for the Army to carry: that the design selected by the Board for the Army, and slightly modified by General Washington, was decidedly different. These colors were made and were in the hands of the Field Commissary at Camp in 1783, but not distributed." (Letter to the author, dated February 17, 1941.)

Mr. Thruston's conclusion is that there is not "a scintilla of reason for supposing that the Stars and Stripes was carried at Cooch's Bridge."

APPENDIX 9

THE DELAWARE MILITIA IN 1777

In April, 1777, while Washington was at Morristown, the Congress considered "ways and means of speedily reinforcing" his depleted army (Journals, VII, 294). On the 25th of that month it resolved "that the president and council of the State of Delaware be requested forthwith to call out one thousand five hundred of the militia of the said State, well armed and accoutred, to rendezvous at Chester on Delaware" and appointed three of its members, George Read of Delaware, Daniel Roberdeau of Pennsylvania and Jonathan Dickinson Sergeant of New Jersey, a committee to confer with the President