The Road to Independence: The Revolutionary Movement in New York, 1773–1777

Bernard Mason
State University of New York at Binghamton

Recommended Citation
https://uknowledge.uky.edu/upk_united_states_history/66
The Road to Independence
THE ROAD TO INDEPENDENCE

The Revolutionary Movement in New York, 1773-1777

By BERNARD MASON

University of Kentucky Press-Lexington
1966
Copyright © 1967
UNIVERSITY OF KENTUCKY PRESS, LEXINGTON

For permission to quote material from the books noted below, the author is grateful to these publishers:

Charles Scribner’s Sons, for Father Knickerbocker Rebels by Thomas J. Wertenbaker. Copyright 1948 by Charles Scribner’s Sons.


The Regents of the University of Wisconsin, for The History of Political Parties in the Province of New York, 1760-1776, by Carl L. Becker, published by the University of Wisconsin Press. Copyright 1909 by the Regents of the University of Wisconsin.

For my mother Sophie Mason
and in memory of my father Louis Mason
This page intentionally left blank
PREFACE

The historian of the Revolution in New York has no simple task in writing about his subject because New York has occupied an ambivalent position in revolutionary history. A rebel party did commit the colony to independence, but the presence of thousands of loyalists lent credence to the idea in a later age that the revolutionaries represented a minority. Furthermore, a later generation emphasized the Whigs' vacillation in 1775-1776 and attributed it in part to a major loyalist reaction. The effect of this interpretation was to obscure the general spread of hostility to Great Britain. Subsequent historical writing proceeded along these lines and tended to perpetuate an illusory description of the province. The evidence presented in these pages indicates the inadequacy of this view of New York and suggests a different interpretation. A tenable hypothesis which emerges from the data is that the Whigs were a decisive majority. Associated with this proposition are other relationships which yield illuminating insights for the exploration of the Revolution.

This book does not offer a strictly chronological treatment of its topic, even though it describes the trend of events from 1773 to 1777. Its point of departure is an analysis that stresses the strengths and weaknesses of the organization of the revolutionary movement. Although the Declaration of Independence was a decisive stage in the growth of the Revolution, in New York independence was only one-half of the great question. The other half, which was not resolved until the spring of 1777, was the nature of the new government. However, there was no orderly sequence in these
two matters because Yorkers, leaders and general public alike, were discussing them simultaneously as interrelated problems in the spring of 1776. Therefore, the culmination of the Revolution for these people seemed to occur when the Convention of Representatives of the State of New York adopted the New York Constitution of 1777.

One of the problems peculiar to this era is that of classifying individuals according to their political behavior. The problem is "peculiar" because one of the consequences of the friction with Britain was the shattering and regrouping of the existing factions into Whigs (often also denominated Friends of Liberty, Liberty Boys and Sons of Liberty) and Tories (Friends of Government). Historians have usually characterized the factions' leaders as radical, moderate, or conservative but have not explicitly stipulated the criteria by which they arrived at these judgments. A major difficulty with the usage of these terms as indicators of political beliefs is, for example, that a person who might have been a radical in his opposition to the Lord North ministry might have been a moderate on the question of the right of suffrage.

One solution is to employ these three words in relation to specific circumstances. Thus, in one context the words indicate attitudes toward resistance to British policies; in another context they designate positions in relation to constitutional problems in the Convention. The radicals in the first context were the men who advocated uncompromising resistance to Britain and demanded that nation's complete retreat on the disputed affairs. During the winter of 1775-1776 men of this stripe were publicly contending for separation from the mother country. The moderates condemned the North ministry but kept a sharp vigil for means of compromise. Nonetheless, the moderates sponsored policies that steadily widened the gap between New York and Britain. On the question of independence they publicly favored delay but privately conceded in June, 1776, the
necessity of the separation. Although the conservatives opposed ministerial measures, they also rejected vigorous opposition to those measures. The conservatives might have acquiesced in Lord North’s conciliation proposals of 1775 or the Howe Olive Branch of 1776. When the formal break occurred in July, the conservatives discountenanced independence. Many men moved from one category to another under the pressure of events. Alexander McDougall by the spring of 1776 had broken with his radical associates and was firmly in the moderate camp. On the other hand, John Jay gradually abandoned his conservative position in 1775 for that of the moderates.

In the second context the lines of differentiation are much less clearly drawn than in the first. The radicals in the Convention sought to obtain a constitution that would allow maximum participation of the male citizenry on all levels of government. Although the moderates were not ready to go this far, their proposals would have given the middle and small landholders much greater weight in the government than those of the conservatives. An initial objective of the conservatives was to minimize political change and to preserve the power and influence of the wealthy in the governmental structure. However, the exigencies of politics compelled both moderates and conservatives to shift ground, so that there were occasions when many moderates were indistinguishable from conservatives.

My debts to others are numerous and it is a pleasure to acknowledge them. Professor Richard B. Morris, Professor Chilton Williamson, and Dean Harold C. Syrett contributed indispensable criticism from which I have benefited greatly. If the results are not commensurate with their efforts, the fault is mine and not theirs. My colleagues, Professors Amy Gilbert, Albert V. House and Bernard F. Huppe, took the time and trouble to read critically the manuscript. I owe a special debt to Professor Alfred B. Rollins, Jr., for his
Preface

perspicacious comments and encouragement. Naturally all errors of omission and commission are mine alone. I am grateful to the Research Foundation of the State University of New York and the Harpur College Foundation for financial assistance. The invaluable help of the library staffs of the institutions hereinafter cited is acknowledged with gratitude. These acknowledgments would be incomplete without mention of the unflagging aid, never-failing good humor and encouragement of my wife Marjorie.

State University of New York
at Binghamton
April, 1966

BERNARD MASON
## CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td></td>
<td>vii</td>
</tr>
<tr>
<td>1.</td>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Royal Influence in New York</td>
<td>42</td>
</tr>
<tr>
<td>3.</td>
<td>Division into Tory and Whig</td>
<td>62</td>
</tr>
<tr>
<td>4.</td>
<td>Crystallization of the Revolutionary Spirit</td>
<td>100</td>
</tr>
<tr>
<td>5.</td>
<td>The Tide Sets for Independence</td>
<td>134</td>
</tr>
<tr>
<td>6.</td>
<td>Government prior to the Constitution of 1777</td>
<td>178</td>
</tr>
<tr>
<td>7.</td>
<td>Making Haste Slowly: Framing the Constitution</td>
<td>213</td>
</tr>
<tr>
<td>8.</td>
<td>Reconsiderations</td>
<td>250</td>
</tr>
<tr>
<td>Appendix</td>
<td></td>
<td>254</td>
</tr>
<tr>
<td></td>
<td>A Note on Sources</td>
<td>258</td>
</tr>
<tr>
<td>Index</td>
<td></td>
<td>265</td>
</tr>
</tbody>
</table>
LIST OF ABBREVIATIONS USED IN NOTES


Const. Gaz. Constitutional Gazette (New York)

CUL Columbia University Library

FDRL Franklin Delano Roosevelt Library


N.Y.G. New-York Gazette and Weekly Mercury

NYHS New-York Historical Society

N.Y.J. New York Journal

N.Y.P. New York Packet

NYPL New York Public Library

NYSL New York State Library


Smith, Memoirs Historical Memoirs of the Province of New York, William Smith Papers, New York Public Library

HISTORY has bequeathed to posterity a strikingly incongruous image of New York in the era of the American Revolution at which later generations have gazed in some perplexity. Here was a people who proposed the Continental Congress because they opposed an individual colony's commercial boycott of Great Britain but who in that Continental Congress argued against an intercolonial stoppage of trade. Here was a people who patronized a zealous Whig press but whose largest newspaper was the most important Tory journal in the colonies. Here was a people who cheered tumultuously, and on the same day, both George Washington on his journey to assume command of the Continental Army and royal Governor William Tryon newly returned from England. These were the revolutionaries who sent troops to invade Canada but who provisioned British warships in New York Harbor. These were the rebels whose conservative leaders opposed independence but who were publicly discussing independence before the publication of Paine's *Common Sense*, who declared their independence of the crown of Great Britain but who enlisted in thousands in His Majesty's army, whose laboring and "middling" classes argued for democratic reform but who accepted a conservative state constitution almost without a murmur of criticism.
The Road to Independence

Historians, identifying, scrutinizing, analyzing, and interpreting the events of the Revolution in New York, have tended to substantiate this image. A reader who ranged over the literature saw a province whose political organization was for the most part bifurcated into radicals and conservatives. The radicals were characterized as the spokesmen for the masses, the conservatives as spokesmen for the wealthy merchants and landlords. The conflict between these two political parties was one of the two dynamic forces in the Revolution. The other, the drive to cut Britain's leading strings, functioned on a minimal level partly because Whigs and Tories were nearly equal in strength. One index of this political division was the manner in which the colony found its way to independence—almost in spite of itself. The reader accepted the idea that the Patriots managed the war with great difficulty because so many Yorkers were loyalists. This image of New York contains major inaccuracies and distortions and requires modification and clarification.¹

Introduction

Any new look at the history of the Revolution in New York should start with the problems created by the Tea Act of 1773. Its passage by Parliament in 1773 punctured the bubble of colonial economic recovery and political quiescence. The preceding three years, 1770-1773, were a period of flourishing trade for New York, a period in which the continuing boycott of British tea hardly affected the entering volume of goods. Although the nonimportation of tea was effective, New Yorkers did not cease to consume the beverage. They bought and drank large quantities of the smuggled commodity. Amidst the increasing affluence, antagonism to Britain declined and the provincial political kettle simmered mainly in response to local stimuli. However, the kettle emitted sounds which indicated the approach of the boiling point when the colonials learned of the plans of the East India Company.

The reasons for the colonial excitement were not difficult to discern. By shipping its tea to New York consignees, the John Company (East India Company) would eliminate intervening wholesalers and be able to undersell competitors in America. The critics charged that the company, having ruined its rivals, would raise its prices above existing levels to the detriment of the consumers. Even the smugglers had cause for concern because the East India Company was to have a refund of the English tea duties. As a consequence it might undercut also the illegal trader since its tea would be cheaper than the undutied Dutch tea. Moreover, other observers foresaw disaster for everyone if the East India Company proved the practicability of the project. There would be nothing to prevent the ministry from authorizing similar ventures in other lines of trade. Since fair trader

---

3 The act of 1773 conferred upon the East India Company a monopoly of tea exportation to the American colonies. Schlesinger, The Colonial Merchants, pp. 262-64.
and smuggler would suffer alike, or as a contemporary drily commented, "virtue and vice being thus united," both groups had common ground on which to unite in their opposition to the plan.\(^4\)

If this situation in 1773 had involved only these economic considerations, a tea party might not have occurred in New York. It was precisely because the affair fused the economic and political variables that it produced volatile combustibles. Impending large-scale importations of the commodity which itself was the focus of an attenuated constitutional conflict revived the complex controversy over colonial taxation and regulation. Although Bostonians and others imported and paid the three-pence duty on tea from 1770 to 1773, they saw that the Tea Act fundamentally altered their commercial relationships. If the colonies consumed annually an estimated one to one and a half million pounds of tea leaves, if they bought their beverage from the East India Company, they would pay from £12,500 to £18,750 in import duties on this product.\(^5\) Having paid these duties, the colonials would no longer be able to argue that they did not acquiesce in parliamentary taxation. Indeed, there were Yorkers who accused the North ministry of seduction in this matter, of


\(^5\) Since there are no reliable tea consumption statistics, this total derives from crude calculation. Contemporary reckoning placed legal and illegal importations at three million pounds. Import statistics for 1768-1774 show that peak consumption in these years was 873,744 pounds but naturally this does not include the smuggled tea. However, the gap might be filled by calculating the average annual per capita consumption from later import data. From 1790 to 1798 annual importations of tea averaged two million pounds, which indicates an average annual per capita consumption of 0.51 pounds. If the population is computed at 2.1 to 2.5 million and per capita usage at 0.51 pounds, the result is a total consumption of one to one and one-half million pounds. Lawrence A. Harper, *The English Navigation Laws: A Seventeenth Century Experiment in Social Engineering* (New York, 1939), p. 269, n. 125; U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1957* (Washington, D.C., 1957), ser. Z254-261. See Labaree, *Boston Tea Party*, pp. 7-8.
providing cheap tea in order to lure Americans into payment of the tax.\(^6\) Thus opened the great drama which convulsed New York for the next decade.

Although there were signs of strain in the political structure of New York in the 1760's, it did not reveal any grave defects that threatened to disrupt it. Through most of the ten years from 1763 to 1773 the political game was a triangular affair involving two factions and the governor. Each faction, the De Lancey and the Livingston, was intent upon domination of assembly, council, and governor. When the factions could not control the governor, they sought to influence and use him to gain their ends. The governor, naturally, strove to maintain his independence, to play off one group against the other. All three acted out their roles with one eye on London; this was especially true for the governor since he was dependent on the ministry and needed to maintain good relations in Britain in order to protect his possession of the governorship. It was not enough for the governor to concern himself with the appearance of his record in Whitehall; he perforce took into his calculations the fact that members of both factions kept up a constant correspondence with friends in Britain, that their hostile depiction of events in New York would find its way to the attention of the ministry. On the other hand, an astute governor employed the official minutes of his council meetings as a club over the heads of the members since he transmitted these to England and since councilors were removable by the crown.\(^7\)

The anatomy of a faction illuminates the fluid state of politics. Family kinship, symbolized by the factional titles, was a material element in the nucleus of the political group.

---


Nonetheless, large families and intermarriage among the wealthy weakened the kinship factor except in primary relationships. Other adherents flocked to the family standard from varied motivations. Some were simply place-seekers; patronage was a magnet which strongly attracted all ranks of society. The desire for personal gain, particularly in the form of land, drew many to one faction or the other. Still others sought political and legal influence to further business matters. There were some, also, who entered politics from a sense of noblesse oblige or to acquire prestige. Finally, there were those who sought power to gratify ambition. A faction, then, was a collection of interest groups having no organizational framework, no platform, and no proclaimed principles. Shifts from one faction to another, springing on occasion from personality clashes as well as quarrels over pelf and place, were neither unusual nor infrequent.

The composition of each faction cut across social lines. Both groups of leaders contained modest gentry as well as great landed proprietors. Although both factions numbered merchants among their ranks, the De Lanceys appear to have had the greater lure for the commercial class. There was one difference between the parties to which contemporaries attached special meaning. The De Lanceys apparently enjoyed a greater affinity with the Anglicans than did the Livingstons, who seemed to hold a greater attraction for the dissenting denominations. Therefore, there were those who saw the factional antagonism in religious terms and labeled the Livingstons the Presbyterian party, the De Lanceys the Church party. The religious distribution between the

---

Introduction

factions partly mirrors the frictions which arose from the establishment of the Anglican church in some of the counties in the colony.⁹

The mingling of the political and religious strife sometimes produced blunt exchanges at the topmost level of government. Such a clash took place at a meeting of the governor and the council in January, 1774. The dispute concerned a petition of the Schenectady Dutch Reformed Church to increase the amount of funds that its congregation might raise. William Smith, a Presbyterian and arch-foe of the De Lanceyites, pointedly compared this Schenectady request for a revenue of £1,000 with the £5,000 authorization for the small Albany Anglican Church. Smith jotted down in his private notes that Oliver De Lancey, one of the faction leaders, “upon my mentioning the Albany Church Revenue said, that was because they were Christians. What said I are not the Dutch of Schenectady, Christians? Not such Christians says he. How do you mean not Episcopalians? Do you mean that? Ay says he. That we all know said I.”¹⁰

Although the De Lanceyites gained and held the upper hand in politics from 1769 to 1773, their superiority was neither overwhelming nor stable. On paper at least the De Lancey position was formidable. They had a long-standing preponderance in the council where the subtle and


supple William Smith was their minor but frequently effective opponent. Since there were no colonywide political organizations and since there was no party discipline, the De Lancey sway in the assembly was less firm than in the council but they did put together majorities with which to pass legislation. The De Lancey political future was apparently assured when that faction evolved a modus vivendi, first with Acting Governor Cadwallader Colden, 1769-1770, and then with the new governor, Lord Dunmore, 1770-1771. This satisfactory state of affairs for the De Lanceys ended with the arrival in July, 1771, of a successor for Dunmore, William Tryon. Tryon rejected the "leading strings" of the dominant faction and trod an independent path with the encouragement of the Livingstons. Although their in-

11 Oliver De Lancey was the leader in the council, having most consistent support from John Watts, Joseph Reade, Henry Cruger, Roger Morris, and Charles W. Apthorpe. Other councilors who voted most frequently with De Lancey were Daniel Horsmanden, Hugh Wallace, William Axtell, and Henry White. Cadwallader Colden commonly had differences with De Lancey. Smith, though he had connections with the Livingstons, pursued an independent path. If Smith's notes are any guide to his motivation, he apparently aspired to be chief justice and perhaps to be lieutenant-governor. Sabine, Memoirs of William Smith, passim.


13 Smith claimed that Colden and the De Lanceys framed a "bargain" under which the De Lanceys guaranteed approval of the Acting Governor's salary by the assembly and promised to seek the assembly's modification of its reproach of Colden for his conduct in the Stamp Act troubles. In return for these services Colden was not to dissolve the assembly until the end of its seven-year life nor to veto whatever legislation his allies enacted. Although Smith initially made some impression on Dunmore, the councilor soon concluded from his conduct that the Governor had no political perspicacity, that he had fallen under De Lancey influence, and that he was a "fool." Sabine, Memoirs of William Smith, pp. 67, 83-103.

14 Governor Tryon, surmising himself to be in a strong position in 1773, declared his independence of the factions. He is reported to have told his council: "I wish to promote the Interest of the Province, and find it very disagreeable to me to be crossed by your Parties. . . . I will take no sides myself, and desire that I may not be dealt with or crossed for Party Purposes. If you will maintain Parties keep Party Spirit to yourselves." Ibid., p. 143.
ability to yoke the Governor did not break the De Lancey­
ites, their difficulties mounted and in early 1773 they met
with a severe mauling at the hands of the Livingstons and
the Governor. Not only did the De Lanceys lose bills in the
assembly and council but they also incurred the enmity of
some of their erstwhile supporters at the polls. Smith
exulted at "the Abatement if not the Ruin of the Power of
the De Lancey Family" and happily proclaimed that "the
old Despotism was broke. . . ." The obituary was, however,
premature.15

Local politics in the fall of 1773 gave promise of generat­
ing high temperatures, but the quarrels over patronage were
only the brief prelude to a cataclysm. The Livingstons and
De Lanceys were hard at it, scrambling for leverage with
which to convince Governor Tryon that he should appoint
their aspirants to a number of posts. Although these mat­
ters greatly roiled political relations, they receded quickly
into obscurity in late September when the ship Lord Dun­
more out of London docked in New York. Captain Lawrence
brought information that the East India Company had
chosen agents in New York for its tea, that it was shipping
600 chests of tea to the city, that the New York, Boston,
and Philadelphia shipmasters declined to load the tea, and
that the consignees would pay the duty upon entry.16

Reactions to the East India Company project differed and
some weeks elapsed before opinion jelled sufficiently to
permit leaders to reach a consensus. Among the steersmen
of the inactive Sons of Liberty there were men who saw
clearly what to do, but even these firebrands were tempo­

15 For the intricate details of these events see ibid., pp. 136-48.
16 Ibid., pp. 152-55, 156; Becker, The History of Political Parties, pp.
103-4. Smith prophetically recorded in his notes for October 13, 1773: "A
New Flame is apparently kindling in America. . . . Our Domestic Parties will
probably die, and be swallowed up in the general Opposition to the Parlia­
mentary Project of raising the Arm of Government by Revenue Laws."
Quoted in Wertenbaker, Father Knickerbocker Rebels (copyright 1948 by
Charles Scribner's Sons, reprinted by permission of the publishers), pp. 31-32.
arily impotent. Their greatest accomplishment, apparently, was the initiation of correspondence with Boston and Philadelphia. Some of them also may have participated in the propaganda campaign assailing the East India Company, its agents, and Parliament, a campaign which accelerated during October. A break in the passivity of the town occurred when unknown persons summoned a meeting of merchants on October 15 for the purpose of congratulating the New York captains who had refused to load their ships with cargoes of tea. Since there were not only many merchants but also other citizens at this gathering, it was likely that Liberty Boys were present. The assemblage, however, did not engender momentum for further action. When action did erupt, as on November 5, it was peripheral and presumably under the direction of Isaac Sears and John Lamb.  

Perhaps one source of the indecision in New York was the difference of opinion over the tax sections of the Tea Act. Some interpreted the statute to mean that the East India Company would not pay the three-pence import duty in America, while others contended that the company was liable for the tax. If the company was not subject to the duty, importation of the tea had no bearing on the constitutional problem of taxation. It therefore would not be necessary to prevent the entry of the tea. Since the merchants were at odds with each other, it was impracticable to

---

17 Isaac Sears, Alexander McDougall, and John Lamb played prominent roles in the organization in the 1760's.
19 Both Tryon and Abraham Lott, one of the tea agents, implied the existence of this division of opinion. Edmund B. O’Callaghan, ed., Documents Relative to the Colonial History of the State of New York (15 vols.; Albany, N.Y., 1856), VIII, 400-1; Becker, The History of Political Parties, p. 105.

Those merchants who did not purvey tea may have emphasized the possibility of untaxed tea and have opposed the taking of any steps to block the landing of the commodity.
obtain agreement on a course of action. Even though it was a matter of public record that Philadelphia in October had forced the resignation of its tea agents and had resolved against the entry and landing of the tea, these events seemed to have no appreciable impact upon affairs on the Hudson.\(^{20}\)

It was the Sons of Liberty who broke the log jam and set in motion the machinery of opposition. However, the Liberty Boys, disagreeing among themselves over what policy to adopt, did not arrive at a decision until the third week in November. They sought to have the tea consignees acknowledge the "general sense" of the inhabitants that the agents ought not receive or sell the tea. Secondly, the Sons demanded a pledge that the tea commissioners would not receive or sell the tea.\(^{21}\) The reply of the agents the next day was only partially satisfactory since it stipulated that they would not accept the cargo if it was "liable to the payment of the American duty." Unwilling to assume at this time the onus for illegal action, the Sons of Liberty did not respond to this note, but a pseudonymous broadside, November 27, threatened that "The Mohawks" would wreak their anger on anyone who dared to import India tea. Rather than mount a campaign to obtain an unqualified resignation of the tea commissioners, the Sons of Liberty prepared a statement of association with which to launch a boycott movement. The weakness of the association was the lack of sanctions with which to enforce its provisions; the associators covenanted to publish the names of violators as "enemies to their country." The most effective method of enforcement was to prevent the landing of the tea, since, once it was ashore, merchants might sell it as Dutch tea. Nevertheless, the association skirted the problem, limiting

\(^{20}\) The pot in Boston, simmering much as it did in New York, came to a boil in early November. Schlesinger, The Colonial Merchants, pp. 281-84; Labaree, Boston Tea Party, chap. vi.

\(^{21}\) One of the Liberty Boys, "Brutus," published a statement of these events in May, 1774. See Force, American Archives, 4th ser., I, 253n.
itself to a resolution to employ "all lawful means to defeat the pernicious project."22 The activists hardly began to distribute copies of their association when they learned that the tea ship Nancy was on the high seas for New York and that the consignees were responsible for payment of the duty.

Although this intelligence swept away some confusion, it thrust upon New Yorkers the pressing problem of what to do with the tea when it arrived. The Sons of Liberty lost no time in calling upon Messrs. White, Lott, and Booth, agents for the John Company, and bidding these gentlemen to resign their commissions. The merchants promptly complied and apprised the Governor that they could not accept the shipment of tea.23 Tryon and his council were already exploring the ramifications of the circumstances and on December 1 they concurred in a proposal to store the tea either in the fort or in the barracks.24 When the government unofficially disseminated its decision, the townspeople displayed no antipathy to the policy. Unlikely though it was that Sears would acquiesce in this disposition of the matter, the Sons of Liberty did not protest until December 10. Having had a letter from Boston which asserted the determination of that town to prevent the landing of tea, a committee of the Liberty Boys visited William Smith to acquaint him with the opposition of the society

22 Ibid.; Becker, The History of Political Parties, pp. 105-7; Wertenbaker, Father Knickerbocker Rebels, p. 32.

23 Their declination seems to be directly connected with Governor Tryon's attitude. One of the consignees, Henry White, was a member of the council. In a council meeting with White in attendance, November 30, Tryon asserted that he would protect the cargo if the commissioners "cast it into his care." The next day the agents announced their resignations. Sabine, Memoirs of William Smith, p. 157.

The Sons of Liberty included in their leadership Livingstons, De Lanceys, and the activist element as represented by Sears. Control of the society seems to have been in the hands of a coalition of the Livingstons and De Lanceys. Smith mentions a visit to him of some of the leaders: Philip Livingston, Isaac Low, Sears, McDougall, and Samuel and John Broome. Ibid.

24 Smith did not differ on this matter with his opponents on the council. He noted that "the De Lanceys wait to see the Disposition of the People." Ibid.
to government intervention.\textsuperscript{25} Isaac Low, spokesman for the group, told Smith that the governors of Massachusetts and Pennsylvania had declined to take possession of the tea, that if Tryon stood aside the unbroken cargo would retrace its path to Britain. Furthermore, if the Governor unloaded the tea, it would “not be safe.” Therefore, the committee entreated Smith to advise Tryon to reverse his position. Low, vindicating this view, argued that admission of the tea would open the door to its sale and arouse the hostility of the other colonies.\textsuperscript{26} In conclusion the Liberty Boys offered to guarantee the safety of the tea so long as it remained aboard ship. Smith assented only to pass on to Governor Tryon the sentiments of the group.

The stand taken by the Governor may have inflamed discord within the Sons of Liberty and paralyzed the society. Sears and McDougall might well have viewed with alarm the sweep of events in Boston and Philadelphia, since New York lagged behind in public resolutions and spirited mass meetings.\textsuperscript{27} On the other hand, the Low-Livingston clique wished to avoid action that would stir up the inhabitants and wished to minimize the possibilities of a clash with the government. The disposition of the tea clearly was a vital question. Therefore, the December 10 conversation with Smith

\textsuperscript{25} The letter reached New York December 7. Since the Liberty Boys did nothing for three days, it is possible that they were quarreling among themselves over what to do.

The committee consisted of Philip Livingston, Isaac Low, Sears, McDougall, David Van Horne, and the Broomes. \textit{Ibid.}

\textsuperscript{26} Smith, privately, did not accept this explanation; he speculated that the change of front by the Liberty Boys arose from other causes: “their chief Motive was an Apprehension, that the Populace would change their present Sentiments and call for the Tea. They had Reason for these Suspicions (1) because the Subscription to an Association Paper printed and set on Foot the 30 Inst, proceeded slowly and second, because there was but little Tea in the Port, third, the two old Insurance Offices hung back in the Subscriptions, and have not yet signed the Association Paper. . . .” \textit{Ibid.}; Becker, \textit{The History of Political Parties}, p. 107.

\textsuperscript{27} Philadelphia through mass meetings had unequivocally refused to permit the landing of the tea. Word had come from Boston of the developing clash with the government over the disposition of the tea. Schlesinger, \textit{The Colonial Merchants}, pp. 278-81, 285-87, 290-91; Sabine, \textit{Memoirs of William Smith}, p. 157.
The Road to Independence

represented a retreat by the cautious element which shortly turned into a defeat. After speaking to Smith, Low broached the subject to other members of the council, but their replies were unsatisfactory. One of the councilors, John Watts, went so far as to deny that there was any potential danger if the Governor stored the tea. This rebuff by the councilors apparently caused a reaction among other members of the liberty club, because the organization sent its committee to Smith to retract the promise of protection for the tea ship. Smith seized the occasion to expostulate with his visitors against their attitude, but only Low and Livingston displayed any sign of approval. McDougall threw a bombshell into the circle when he asked, "What if we prevent the Landing, and kill [the] Gov[erno]r and all the Council?" Philip Livingston "started and said I won't think half so far."28 The conversation terminated on this grim note.

The subsequent conduct of the Sons of Liberty connoted a serious rift in the ranks of the society. Since the tea ship was due momentarily, the activists had to prod the club into motion; any delay would enable the Governor to carry through his plan without effective opposition. In the face of Tryon's insistence the use of force was the most likely alternative open to the activists; otherwise they would have to accept the landing and storage of the tea. It was one thing for Sears to advocate opposition but it was quite another matter for him to find the means of executing the policy. The outcome was a call for the citizens' rally at the City Hall on December 17. The meeting would fulfill a number of major prerequisites. The leaders would use this opportunity to nerve the populace to the task before them. It was essential to the Liberty Boys to procure some expression of mass approval before they undertook to prevent the unload-

28 Smith ended his notes at this point, so the reply, if any, is unknown. Ibid., p. 158.
Introduction

ing of the tea. Moreover, the rally would afford the leaders an opportunity to secure general approval of the boycott association. Lastly, the occasion would be right for concordance in the creation of a city committee of correspondence. The new organ would constitute an effective center for the direction of the opposition; a general committee rather than a Sons of Liberty committee would command greater respect and wield broader authority. Although the prudent members would not concur in the proposal for a rally, the activists plunged ahead without them.29

The proceedings at the City Hall on December 17 were a resounding triumph for the activists but the Governor deserved credit for inadvertent assistance. The large throng who gathered in spite of the inclement weather listened to the reading of several letters from Boston and Philadelphia and elected a standing committee of correspondence.30 Hav-
ing disposed of this business, the chairman, John Lamb, read the November 29 association and asked the audience whether they assented to the resolutions contained in the declaration. There was no dissenting vote. It was at this juncture that the meeting took an unexpected turn that yielded large dividends to its sponsors. Responding to the potential danger that might arise from the assemblage, Governor Tryon summoned his council into emergency session to obtain its advice. The council unenthusiastically thrashed over several ideas, one of which was a proclamation to disperse, and at last settled on the dispatch of the mayor and recorder with a message from the Governor to the con­ course.³¹ Tryon promised to disburse no tea except with the consent of the council, or on the orders of the King or the East India Company; he exhorted the citizenry to behave with moderation; he expressed his intention to use no force; he concluded that he could “do no more nor less” and hoped the people would “neither disgrace their Gov[erno]r nor themselves by any imprudent violent & intemperate Be­ havior.” The maneuver miscarried, however, because Mayor Hicks in the City Hall confined his relation to a bare-bones statement of the pledge not to dispense the stored tea, omit­ ting any mention of the earnest plea of duty and for moder­ ation. When the mayor compounded his blunder by asking, “Gentlemen, is this satisfactory?” there was a general cry of “No! No! No!” Lamb, snatching this golden opportunity, read aloud the text of the Tea Act, which he embroidered with a suitable commentary. When he completed his cri­ tique, Lamb posed a crucial question to the crowd. “Is it then your opinion, gentlemen, that the tea should be landed

³¹ Smith urged the Governor to go before the meeting but De Lancy and Watts rejected the idea, proposing that either one of the council or the mayor be sent. Tryon was unreceptive to Smith’s advice. Since the Governor was popular, it was possible that he might sway part of the multitude and thus divide the meeting. Although Smith counted on this result, his plan involved considerable risk of failure. Sabine, Memoirs of William Smith, pp. 159, 160.
under this circumstance?" So loud was the negative oral reply that no one demanded a division. Nailing down the last loose scantling, the chairman secured acceptance of a resolution in which the "spirited and patriotic conduct" of Philadelphia and Boston was "highly" commended. This concluded the rally.

Subsequent events confirmed the victory of the Sears-McDougall group. Although Isaac Low and Abraham Walton set out on December 20 to obtain pledges of nonviolence in the tea boycott, the absence of support caused them to abandon the project the next day. Simultaneously, intelligence arrived from South Carolina that Charleston had resolved to block the admission of the tea and to return it to Britain. The most telling stroke, though, was the news of the Boston Tea Party; the information generated the currents of opinion that moved Tryon to reverse his position. There followed a series of conferences between the


If Smith was a reliable reporter, the reader may accept his statement that a number of prominent people attended the affair because they anticipated a vote in opposition to the storage of the tea. However, at the critical moment James Jauncey and John H. Cruger, major De Lancey leaders, did not request a division but complained that the form of the question did not allow the people a true choice of alternatives.

Smith also reported that he encountered Sears and McDougall at Simmons Tavern the next evening and discussed the meeting with them. He inferred that they had not expected the decisive majority vote, that had they anticipated it, they would have demanded a division be made on the question.

Perhaps there was an undercurrent of local politics present, since Smith speculated that "the De Lanceys rather fell in with the Multitude to save Interest and out of Pique to the Governor who is too Independently spirited for them." Sabine, Memoirs of William Smith, p. 162.

33 Force, American Archives, 4th ser., I, 254n.


35 Sabine, Memoirs of William Smith, p. 163; Schlesinger, The Colonial Merchants, pp. 295-96. Smith on December 20 stated that the news "greatly influences" the town.

36 It is difficult to decide whether Smith derived his narration of this episode from firsthand knowledge or hearsay. He wrote that "the Boston News astonished the Town . . . those who were for storing it seem most disposed to intreat the Govr. to change his Resolutions for Fear of the Multitude." Sabine, Memoirs of William Smith, p. 163.
Governor and several prominent persons in which Tryon made it clear that he was quite willing to forgo storage of the tea but that he was anxious to keep his skirts clean and his reputation untarnished with the ministry in London. The upshot of this intricate maneuvering was a design by which the consignees would stop the tea ship at Sandy Hook, inform Captain Lockyer of the Nancy of the menacing situation in town, advise him to depart forthwith, and furnish him with provisions at the Hook. Although Governor Tryon did not wish to publicize his change of front, Captain Ayscough of the warship Swan, a “Blab Tongue,” let the word slip out and Rivington printed it in his newspaper. The Governor was “in great Wrath” but the townsfolk approved of the executive retreat. Henry White and the other agents sent the letter of advice to Sandy Hook for delivery to the Nancy when Captain Lockyer entered the Lower Bay. So the city, confident that it had escaped a clash, settled down to await the tea ship.37

The next three months were relatively calm and politics subsided into their customary channels. The legislature sat in these months and devoted much time to quarreling over local problems. One of the features of this legislative session was a tendency of the Livingstons to lend aid to the Governor in order to embarrass the De Lanceys.38 On the whole, the De Lancey faction lost ground; it suffered the defection of the Jauncey family interest when a squabble arose over the appointment of James Jauncey, Jr., as master

37 Ibid., pp. 163-66; Becker, The History of Political Parties, p. 108. Smith explained Tryon’s conduct in this manner: “He is afraid of losing Popularity & yet must be hurt at being obliged to drop his high Tone. If he can make the Agents his Instruments, & get the Ship away privately, his Credit will be saved on both sides of the Water; unless he has revealed himself too far to Capt. Ayscough as I think he has—for White says—Some (he means the DeLanceys) sneer & taunt with a What! all this Hauteur come to Nothing!”


38 Ibid., p. 176.
Introduction

Neither faction exhibited any pronounced alterations as a consequence of the imperial dispute; this quarrel had not yet become the touchstone of politics.

The first third of spring had almost elapsed before the suspense in New York ended. Captain Lockyer hove to at Sandy Hook on April 18, twelve days after Governor Tryon took ship for Britain. The shipmaster, having read the communication from the consignees, did not choose to challenge the authority of the committee of correspondence, but he traveled to Manhattan in the pilot boat to arrange for provisions and for an explicit declination by the tea agents to accept the cargo. Lockyer completed his arrangement under the watchful eye of the committee while an observational sloop maintained surveillance over the Nancy at the Hook. Determined to impress upon British officialdom the magnitude of the opposition to the Tea Act, the committee of correspondence published the departure date of the captain and bade the citizenry be on hand April 23 to give him a rousing send-off. Although New York was on the verge of conforming to the pattern set by Philadelphia, an unexpected variable disrupted the proceedings.

New York had its tea party not because the committee of correspondence planned it but because a brash shipmaster chose to gamble that he could outwit the committee. Since the tea did not appear on the master’s bills of lading, the only evidence of its existence was in the cargo’s customs certificates of which those for the tea the captain concealed.

39 Ibid., pp. 174-79.
Smith was extremely sanguine about the DeLancey losses: “The DeLancey Party are so broken to pieces out of Doors, that a new Election would bring an independt. Sett of People at least for the City.” Ibid., p. 176.
40 Storms delayed the ship’s arrival and dealt the vessel some hard blows. Becker, The History of Political Parties, p. 108; Wertenbaker, Father Knickerbocker Rebels, p. 33.
41 Lockyer needed evidence with which to defend in Britain his failure to deliver his cargo.
However, Captain James Chambers, who arrived with the *London* on April 22, underestimated his opponents; more specifically, he did not know that the committee possessed advices which informed it of the tea aboard his ship. Although a committee paid a visit to the *London* at the Hook and searched through the cockets of the captain, it did not find any for tea. When the observers apprised Chambers of the information that they had, he still insisted that he had no tea in his cargo. Chambers, upon docking, submitted to another examination and maintained that there was none of the vile stuff aboard. Only when his interrogators threatened to open "every package" did he break down and produce the cockets for the tea. Taken with the ship's owners before the committee of correspondence, Captain Chambers explained that he had laded the tea on his private account. By his conduct in New York the master of the *London* thrust a bouquet of thorns into the hands of the committee. Under normal circumstances owners or consignees of goods paid the customs duties within twenty days of entry or officials might seize the vessel. Furthermore, in order to depart, a ship needed a permit from the governor which was usually contingent upon clearance from customs. The owners of the *London* were in a fair way to lose their whole lading even though they had no part in the importation of the tea; either customs would take the ship or the committee would compel it to depart. Having determined not to allow the landing of the tea, the committee of correspondence deliberated over two alternatives. One, the members could demand that Chambers procure from Acting Governor Colden the necessary leave to sail, or two, they could destroy the tea. It was ironical that the destruction of the

---


Introduction

teat would protect the investment of the owners in their freight. The committee, "after the most mature deliberation," communicated "the whole state of the matter" to the crowd that had assembled on the wharf near the London. Although the "Mohawks" bore the responsibility for removing the tea, the "thousands" on the dock chafed at the inaction and about eight o'clock some of them went aboard the vessel to seize the tea. Diligent labor in two hours dispatched the contents of eighteen boxes of tea into the waters of the harbor; an untold number of spectators carted the empty wooden containers to the Merchants Coffee House where a bonfire consumed them. Presumably there was some hue and cry against Chambers at the completion of the party "and it was not without some risk of his life that he escaped." The city participated in the last act of the drama on the next morning when all the church bells summoned the citizenry to witness the departure of Captain Lockyer. "Many Thousands" watched and cheered, a band played "God Save the King," and ships' cannon fired as the hapless

45 Since Colden was the bête noire of the Stamp Act proceedings in 1766 and had shown no sign of changed political sentiment since then, there was little to hope for in that quarter.

Colden later repeated hearsay, May 4, that the people particularly resented the "duplicity" of Chambers because he claimed credit previously for being the first New York captain to reject the East India Company's offer of tea. Force, American Archives, 4th ser., I, 249; Becker, The History of Political Parties, p. 109; Schlesinger, The Colonial Merchants, p. 294.

46 The phraseology of this contemporary newspaper account suggests that the committee itself took no specific decision to destroy the cargo but acted according to a prearranged scheme. The communication of information to the crowd was the signal for the activists to take the initiative. Smith recorded in his notes of December 22, 1773, the discovery "by Hints" that Sears, McDougall, et al. were meeting with mechanics in the pubs "to concert Measures for the Day of the Shipp's Arrival." The parallel with Boston is too close to be coincidental. Force, American Archives, 4th ser., I, 250; Sabine, Memoirs of William Smith, p. 163.

47 This is Smith's report of the numbers on the docks. Ibid., p. 185.

48 Smith said the value of the tea was £2,000. The raiders did not damage any other portion of the cargo. Ibid.

captain took leave of the town aboard the pilot boat. Although there was shouting for Captain Chambers, that worthy, abandoning his command, was preceding Lockyer to the Nancy. The trials of Lockyer, however, were not quite over. The crew of the Nancy had strong objections to departing without shore leave and set about constructing a raft with which to jump ship. The captain with the aid of the picket sloop put an end to the plot and the ship stood out to sea on April 24.\(^{50}\)

An aftermath of the tea party was the emergence of the imperial dispute as a salient ingredient of New York factional politics. The tea affair was a catalyst which jolted some party associates into a realization that quarrels with the British ministry might lead to the generation of partisan capital for an alert leadership. Symptoms of this reappraisal appeared in the press shortly after the departure of the Nancy.\(^{51}\) Although the story of the transactions of the past week which the Gazette printed was a factual, anonymous piece, by implication it placed credit for the successful outcome of the tea incident on the shoulders of the committee of correspondence. Since the De Lanceyites had dissociated themselves from the committee whereas John Morin Scott and perhaps Philip Livingston had remained on it, the Livingstons would pluck the fruit of the committee action.\(^{52}\) The De Lancey reaction to the committee account was swift; an anonymous writer ridiculed the whole affair, closing his diatribe with a veiled assault on the Livingstons. He not only attributed the narrative to “party relations” but also

---

\(^{50}\) The phrase “Many Thousands” is Smith’s. Sabine, Memoirs of William Smith, p. 185; Becker, The History of Political Parties, p. 110; Wertenbaker, Father Knickerbocker Rebels, p. 34.

\(^{51}\) The committee of correspondence, apparently as a means of informing the urban residents and other citizens of the colony, sent an anonymous relation of the preceding events to the New-York Gazette and Weekly Mercury (hereinafter cited as N.Y.G.). It appeared in the April 25, 1773 issue; it is also in Force, American Archives, 4th ser., I, pp. 249-51.

\(^{52}\) See above, p. 15, n. 30.
sought to identify the Livingstons with "Coblers and Tailors" by professing that tradesmen held "the power of directing the loyal and 'sensible' inhabitants of the city and Province. . . ."53 The objective of the author was to arouse among the merchants apprehension of the mechanics by raising a bogey and so to reduce mercantile attachment to the committee of correspondence.

Although the targets of these taunts did not suffer them to pass unchallenged, two weeks elapsed before the defenders mounted their counterattack. Writing under the pseudonym "Brutus," one of them retorted with a lengthy relation of the December and April occurrences.54 When he disposed of these matters, "Brutus" shifted his fire to partisan politics. He warned his readers against those "who are well known to excite sedition, or countenance a suppression of the laudable spirit of liberty alternately. . . ." There were those, he went on, "who ever wear two faces; one to recommend them to ministerial favour, another to beguile the sons of liberty into bondage. . . ." These accusations were not riddles; they were specific characterizations of the De Lancey-

---

53 The reference to party relations was to the Livingstons since the committee nominally was not linked to the factions. *Rivington's New-York Gazetteer*, April 28, 1773 (hereinafter cited as Riv. Gaz.) and Force, *American Archives*, 4th ser., I, 251n.

This letter has special importance because historians have seen in it a reflection of the fears of the wealthy at the interference of the poorer classes in politics. However, this interpretation does violence to the context of the letter. After all, it was common knowledge to contemporaries that the committee of fifteen consisted of merchants and lawyers rather than mechanics, that the committee rather than the mechanics directed the events of April 19-23, that the mechanics had played a supporting role in politics at least since 1765. Cf. Becker, *The History of Political Parties*, pp. 110-11; Alexander, *Revolutionary Conservative: James Duane of New York*, p. 97; Flick, *History of New York*, III, 225.

The anonymous writer's phrase, "Coblers and Tailors," perhaps was a reference to individuals of these trades who led in the dumping of the tea or who were close associates of Sears. For example, John Lasher, a cobbler, was a member of the Committee of Mechanics. Jones, *History of New York During the Revolutionary War*, I, 101.

ites with which many townspeople were familiar. "Brutus" declined to name these insidious foes because, he said, "their persons and their threadbare system of politics are well known. . . ." The polemicist closed his peroration with a thinly disguised reference to the De Lanceys: "if they do not alter their measures, incapable as they now must appear to lead this Colony, they must lose all credit with Government. . . ."

After the news of the British coercive acts hit New York on May 11, factional bickering over the tea party gave way to "heats" of a more serious order. Parliament in effect sealed the port of Boston and deprived Massachusetts of some of its powers of self-government. Confusion and division reigned in New York in reaction to the legislation, confusion and division which stemmed partly from the severity of the ministerial measures. The prior experience with Parliament in 1766 and 1769 encouraged expectation of British concessions to the colonials; the coercive acts were a fearful shock. Opinions among the De Lanceys seemed to run the spectrum from those who contended that Boston had only to pay for the tea to find relief to those like Oliver De Lancey who insisted upon opposition to the acts. Although sentiment among the Livingstons was unclear, there was no uncertainty among the Liberty Boys. Sears and McDougall not only condemned the laws but also expounded the necessity for the institution of a nonimportation policy.

---

55 Smith wrote of the De Lanceys in similar vein. Sabine, Memoirs of William Smith, pp. 47, 48, 60, 69, 95, 96, 97, 103, 141, 162.
56 Perhaps the writer, if it was not McDougall himself, recalled McDougall's arrest and indictment in 1770 on charges of seditious libel. Since De Lancey leaders were officeholders, publication of their names in this form was open to a charge of seditious libel of the government. On McDougall's affair see Leonard W. Levy, Legacy of Suppression: Freedom of Speech and Press in Early American History (Cambridge, 1960), pp. 79-85.
57 Force, American Archives, 4th ser., I, 258n.
Anxious conferences of faction leaders and their henchmen were the order of the day but it was the Liberty Boys-Livingston coalition which sparked the protest movement. Since a major aim of the Sears leadership was the imposition of an embargo on purchases from Great Britain, it was essential to have the wholehearted cooperation of the merchant community. Collaboration of the economic elite with the existing committee of correspondence was highly unlikely because most of the merchants were De Lancey adherents. Set against these relationships, the problem appeared to be most susceptible of solution by the organization of a committee of merchants. Furthermore, the formation of this committee tied in with another related aim of the activists, that of stimulating a call for an intercolonial congress to grapple with the current discord. Sears on May 14 hammered out a compact with the drygoods merchants whereby the latter summoned the merchants to a meeting on May 16.

---

It took the Sears-Livingston committee of correspondence three days to iron out its differences and agree on a policy. It was not until May 14 that the group opened transactions with the merchants. Champagne, "The Sons of Liberty," pp. 315-16.

The collapse of the last commercial boycott in 1769-1770 underscored the need for intercolonial cooperation as the best means of achieving an effective embargo. The proposal for a colonial congress would best come from a committee of merchants rather than from a minority committee of correspondence.

There were important implications in the strategy of Sears and McDougall. The decision to found a merchants' committee as the key agency of the protest movement implied relinquishment of any aspiration by the Sons of Liberty to sole control of the organization. The Sons were too weak to win dominance in a merchant group. The other implication was the continuation of the alliance with the Livingstons as the device by which the Sons might influence the committee. Ibid., pp. 317-18.

The May 16 rally was for the purpose of choosing a committee of correspondence, of adopting a policy of nonimportation vis-à-vis Britain, of embargoing the shipment of lumber products to the British West Indies, and of calling a colonial congress. Since the third item was aimed at squeezing the powerful sugar interests, it was odd that the group singled out only lumber. The inclusion of provisions, flour, meat, and fish would have greatly increased the pressure on the islands but perhaps these commodities were shipped mainly in the fall after the harvests whereas timber cargoes were mostly made up in the spring and summer. Ibid., p. 317; Wertenbaker, Father Knickerbocker Rebels, p. 35; Schlesinger, The Colonial Merchants, pp. 327-28.
When the gathering terminated its deliberations on May 16, the outcome of the debates was not what the Sears-Livingston leadership had anticipated. Although the De Lanceys did not inaugurate any action, the advertisement of the May 16 meeting galvanized them into strenuous exertion to insure a large turnout of their supporters. Their perturbation had its roots in their fear of the potential application of the Boston Port Act to New York as well as in narrower partisan objectives. Their numerical preponderance enabled the Church party to place Isaac Low, a wealthy merchant, in the chair. Having carried a motion to establish a committee of correspondence, the assemblage wrangled over the size of their committee. Sears and McDougall contended for a unit of fifteen or twenty-one members but the opposition advocated and obtained a fifty-member committee. Taking up the business of nominations, the factions bickered hotly over the composition of the committee. When the dust settled, the slate of fifty nominees reflected the numerical superiority of the De Lanceys. That faction won a large majority on the ticket but the Sears-Livingston alliance refused to accept the results as final. Although this was

---

62 Although the De Lanceys did not approve of the rigorous Lord North policies, neither did they wish to have the Sears-Livingston combine drive a new committee to “extremities” as it had driven the committee of correspondence in April. Perhaps the Church party would have preferred to do nothing except through the legislature but the excitement was such that inactivity for the leadership was impracticable. Finally, as a political interest group the De Lanceyites could not afford to permit the Presbyterian party to reap future good will from their leadership of a new committee. Harrington, *The New York Merchant*, p. 347; Wertenbaker, *Father Knickerbocker Rebels*, p. 36; Becker, *The History of Political Parties*, p. 111; Sabine, *Memoirs of William Smith*, p. 186; Colden to Dartmouth, June 1, 1774, O’Callaghan, *Documents, Colonial*, New York, VIII, 433.

63 Perhaps the objective in the dispute was the relationship of attendance to control. The coalition wanted a small committee because its members were apt to attend faithfully and so win dominance by perseverance. The De Lanceys desired a large committee in which they would have an overwhelming majority in order that their members might absent themselves without endangering a De Lancey majority. See Smith’s comment on the merchants’ fear of a small committee. Sabine, *Memoirs of William Smith*, p. 186.
primarily a committee of merchants, both factions desired a formal expression of approval of the nominations by the townfolk and agreed upon a general meeting for this purpose on May 19.\(^{65}\)

An unwonted component obtruded itself into political affairs at this juncture. Isaac Sears and Alexander McDougall either contrived the formation of a committee of mechanics or joined forces with a recently founded mechanics organ in order to have a counterpoise for use against the De Lancey majority on the Committee of Fifty.\(^{66}\) McDougall and Sears persuaded the mechanics, if persuasion was necessary, to prepare a rival ticket of twenty-five which they drew mostly from the list of fifty.\(^{67}\) Armed with this slate, the leaders prepared to enter the lists again the next day in spite of the fact that some of the Livingstons were


\(^{65}\) Champagne, “The Sons of Liberty,” pp. 318-20; Becker, The History of Political Parties, pp. 113-15. There is no record of a decision on the embargo question.

\(^{66}\) The first notice of the new organ is in the records of the Committee of Fifty; the committee received a letter from the Committee of Mechanics on May 23, 1774. However, William Smith noted a meeting of “Mechanics” on May 18 to consider the nominees of May 16. If Sears and McDougall did not create the Committee of Mechanics, its formation was an important declaration of political independence by the craftsmen who heretofore were content either to align themselves with one of the factions or to accept the leadership of a Sears or McDougall. This committee, therefore, was not a continuation of the Sons of Liberty which was in the hands of the merchants. When Sears, McDougall, and John Lamb went their separate ways, mechanics led the Committee of Mechanics. Ibid., p. 120 and n.23; Sabine, Memoirs of William Smith, pp. 186, 187.

\(^{67}\) The list is in Becker, The History of Political Parties, p. 113, n. 4. The ticket contained eleven men who were Livingstonians, three whose politics are unknown, and eleven who were De Lanceyites. Two of the twenty-five, Francis Lewis and John Aspinwall, were not among the original fifty. The De Lanceys on May 19 added Lewis to the slate, bringing the committee total to fifty-one. A surprising facet of the ticket of the mechanics is the omission of Philip Livingston.
apparently unwilling to renew the battle of nominees. 68

A "great concourse" thronged the Royal Exchange on May 19 in preparation for the decisive engagement. Low again chaired the meeting and spoke at length on the need for "unanimity" and an end to "party distinctions, feuds and animosities." 69 The exact strength of each side is unknown but the De Lanceys carried the day on the vital question of nominations. 70 However, the victors threw a crumb to the vanquished by adding merchant Francis Lewis, a Livingstonian, to the committee as member fifty-one. Sears, before the disruptions which the nominations engendered, endeavored to maneuver the De Lanceys into formal discussion of the question of nonimportation. Low and others managed to stifle the attempt, although some speakers did give vent to ideas which disturbed the elite before the chair cut them off. 71 These events consummated the defeat of the

68 William Smith, for example, argued extensively with McDougall, urging him to drop the issue and not to dabble with the idea of employing force to prevent importations. Presumably Smith anticipated that the activists would use the Committee of Mechanics to intimidate the importers. Sabine, Memoirs of William Smith, pp. 186, 187.

69 Becker, The History of Political Parties, p. 115; Wertenbaker, Father Knickerbocker Rebels, pp. 36-37.

Although the appeal for unity meant unity on De Lancey terms, the dangers inherent in disunity at this stage of events were very real. Smith was also fearful of disunity. Sabine, Memoirs of William Smith, p. 187.

70 The De Lanceyites won over the cartmen and some of the craftsmen, thus depriving the Livingstons of considerable strength. Ibid.

Precisely what was decided at the meeting is difficult to discern. There were rabid speeches, disorders on the floor, and the people did not vote on the two tickets. Low at the height of the confusion proposed a division of the audience so that an actual count of the votes might be taken. Sears, for reasons unknown, rejected this procedure; perhaps he was unsure of his votes. "There was such an Uproar, that it was agreed to take the Voices of the Citizens by Subscription," Smith noted in his memoirs. Actually the antagonists compromised on this suggested canvass of the city but they did not execute the compromise. The negotiations between the two parties broke down over the mechanics of the balloting. The consequence was that the De Lanceys announced in the press that the meeting "confirmed" the slate of fifty-one. Gouverneur Morris "confirmed" the confirmation when he wrote on May 20 an account of these events to a friend. "We have appointed a Committee," he said, "or rather we have nominated one." Nonetheless, whether nominated only or elected, thereafter the Fifty-One wielded unchallenged authority. Force, American Archives, 4th ser., I, 342; Sabine, Memoirs of William Smith, p. 187; Champagne, "The Sons of Liberty," pp. 321-22.
activists and the Livingstons but they also set the stage for
the further development of illegal opposition to the crown.\textsuperscript{72}

Both factions desired the formation of a committee and,
as it turned out, both initially sought to use the committee
for the same purpose, to promote an intercolonial congress.
Although Sears and McDougall primarily stressed the non-
importation proposal, their defeat at the May 19 meeting
causethem to shunt aside the embargo idea and accept
the priority of an intercolonial conference.\textsuperscript{73} Having grasped
the reins of the Committee of Fifty-One, the De Lanceyites
pondered over the direction which the committee should
take. These men did not approve of the measures of Lord
North but neither could they stomach commercial retalia-
tion, or at least they could not abide it if the boycott were to
be the result of the unilateral decision of each colony. Never-

\textsuperscript{71} A clue to the content of the remarks of the speakers is in the letter of
Morris to Penn, May 20, 1774: "[the citizens] fairly contended about the
future forms of our Government, whether it should be founded upon aristo-
cratic or democratic principles." The contention over "aristocratic or demo-
cratic principles" might have arisen out of criticism of the fact that a very
large majority of the Fifty-One were very wealthy, were the "gentry." Morris himself depicted the Fifty-One as a "committee of patricians." A
possible remedy for this condition was the ticket which Sears proposed
since it proportionately reduced the number of very wealthy and increased
the weight of the less affluent merchants. If this were true, Morris was not
describing a debate in which the central question was rule by an elite or
rule by all the people; rather he was characterizing contention in which the
central question was rule by an elite or rule by the small propertyholders.

There was still another context into which the description of the gentle-
man from Westchester might have fitted. Argument over nonimportation
might have touched upon the right of an illegal body, the Fifty-One, to
dispose of the property of the merchants. "Brutus" expounded one approach
to this problem in his defense of the tea party: "when individuals . . . will
risk their property in the cause of despotism, or for the sake of sordid and
flagitious profit, no good member of society will hesitate to pronounce,
that private interest falls a just sacrifice to public utility." Since "public
utility" took precedence over the right of private property, in a sense
"aristocratic" values gave way to "democratic" values. Force, \textit{American
Archives}, 4th ser., I, 258, 342.

\textsuperscript{72} Sears and McDougall and the Committee of Mechanics resigned them-
selves to their defeat and accepted De Lancey control of the Fifty-One.
Sabine, \textit{Memoirs of William Smith}, p. 187; Champagne, "The Sons of Lib-

\textsuperscript{73} In a letter to Samuel Adams, May 15, 1774, Sears and McDougall
espoused a commercial embargo under the direction of a continental con-
gress. Stokes, \textit{The Iconography of Manhattan Island}, IV, 853.
theless, relentless pressures were accumulating which would not permit the De Lanceys to obstruct endlessly committee action. Since the ministry, unlike its legislative action in 1766 and 1768, was employing physical suasion against the colonies, New York could not close its eyes to the plight of Boston. It was also highly unlikely that the Livingston-Mechanics coalition would accede to the abandonment of Massachusetts without vociferous and vigorous opposition. Another consideration for the De Lancey leaders was the impact of their tactics on the electorate, since the life of the current general assembly would expire in early 1776 and the governor would issue writs for elections to the new legislature. There was in addition to the foregoing matters a sphere of action over which the New Yorkers had no control but about which they manifested great concern. Passivity in New York would not insure passivity among the other colonies; indeed, it was probable that the other provinces would hasten to the aid of Massachusetts and move in the direction of the formation of an association. Having mulled over these affairs, the De Lanceyites fastened on the convocation of an interprovincial parley as the least objectionable alternative. This decision, risky though it was, did not surrender the De Lancey faction’s freedom to maneuver, since the York delegates to a continental assembly might employ their parliamentary skill in efforts to block the adoption of a nonimportation resolution.74

When the Committee of Fifty-One met in May and June, the worst fears of the Livingstons and activists that the De Lancey faction would dominate the new organ were not realized. Whatever differences arose between the factions, the Livingstons might have regarded the conduct of the committee as a vindication of their position on the quarrel with Britain. A consensus in the matter of a congress materialized quickly in the course of the first session of the

Fifty-One and on the same day the members easily transformed this sentiment into a formal proposal to Boston. Awaiting a commitment from the New England entrepot, the activists neither pressed for committee adoption of non-importation nor presented resolutions in condemnation of the Coercive Acts. Meanwhile, Sears and McDougall were advising Samuel Adams: “Be firm & prudent & a little time will effect your Salvation...” However, the harmony dissolved when the Massachusetts acceptance of the New York suggestion of a congress arrived in the last week of June.

Although the members of the Committee of Fifty-One could not have foreseen it, their meeting of June 27 opened a month-long period of protracted debate and maneuvering over the selection of the delegates to the Continental Congress in Philadelphia. There were two central issues about which all others tended to circumvolve. One of these two questions was the composition of the continental delegation; the other was the problem of a committee statement on the Coercive Acts. The Livingston allies, conscious of their minority status in the committee, strove to secure a majority of the mission to Philadelphia by insisting on the right of the Committee of Mechanics to approve the nominations by the Fifty-One. Even though the De Lanceyites triumphed in the Fifty-One and nominated Low, John Alsop, James Duane, John Jay, and Philip Livingston,

75 The committee proposition was stronger than that of Sears and McDougall because it suggested a conference of deputies from the provinces whereas the activists recommended a meeting of deputies from the port committees of correspondence. Adherence to the former plan would automatically commit the rural population to the support of the congressional program and would make possible effective enforcement of that body’s policies.
77 The Mechanics, under the influence of Sears and McDougall, would have demanded candidates for whom these two activists had striven in the meetings of the Fifty-One.
78 Alsop and Livingston were merchants; Jay and Duane were lawyers.
The activists carried the battle to the public. All their efforts, including the promulgation of a rival slate by the Committee of Mechanics, were unavailing. After McDougall gave up the struggle, the opposition, except for a splinter group, collapsed on July 25. An election on July 28 confirmed the victory of the De Lanceys.

The second core question, one which split the committee, was the matter of a public statement on the British ministry's treatment of Massachusetts. Defeat within the Committee of Fifty-One on the matter of the candidates for the Continental Congress may have provoked the Livingstonians to a reconsideration of their role in the committee and of their objectives. Two days later, on July 6, the activists held a mass meeting at which McDougall presided and at which the organizers obtained approval of a series of resolutions on the Boston Port Act. Although the last of these

79 The Mechanics retained Low, Livingston, and Jay on their ticket but substituted McDougall and Leonard Lispenard for Alsop and Duane. Although the encounter of the De Lanceys with the Mechanics began over candidates, it spread quickly into areas of voting procedures and qualifications. The merchants reluctantly agreed to a canvass of each ward by a team of merchants and mechanics as well as to an extension of the ballot to taxpayers. Becker, The History of Political Parties, p. 133.

80 The diehards seem to have been a fraction of the Committee of Mechanics and included Abraham Brasher, Theophilus Anthony, Francis Van Dyck, Jeremiah Platt, and Christopher Duyckinck. Whether Sears was one of them is problematical. This group hauled down its flag too, but only after it won a significant concession from the De Lancey candidates. It threatened to support a rival ticket unless the candidates promised to work in Congress for a nonimportation agreement. Although the committee slate would not bind itself in this fashion, it published a statement in which the signatories declared that they believed in the efficacy of an embargo as a means of exerting pressure on Britain. Force, American Archives, 4th ser., I, 319; Becker, The History of Political Parties, pp. 134-35.

81 The intricate details and a dissimilar interpretation of this fray over the candidates are in ibid., chap. v.

82 There were nine resolves: (1) that the Port Act is "oppressive" and "unconstitutional"; (2) that "any attack" on the liberties of "any of our sister Colonies" is an attack on all; (3) that "shutting up" any port to "exact" taxation is "highly unconstitutional"; (4) that if "principal" colonies enter into nonimportation from and nonexportation to Britain, they will preserve the liberties of all; (5) that New York deputies to the Continental Congress are instructed to enter nonimportation agreements with other colonies; (6) that this meeting will obey all of Congress's resolutions; (7) that each county send deputies to a provincial convention in order
statements directed the Committee of Fifty-One to carry the propositions into execution, that organ at its session of July 7 emphatically denounced the rally as "calculated to throw an odium upon this Committee. . . ."\(^83\) The De Lanceys, notwithstanding their disavowal of the public proceedings, yielded to this pressure and adopted a motion to constitute a committee to draft resolves on the Port Act.\(^84\) A surprise motion by the De Lanceys at the close of the meeting to publish the previously adopted censure resolution carried and the Livingstonians departed from the hall in a rage.\(^85\) Promptly resigning from the Committee of Fifty-One, the Livingstons publicly vindicated their behavior on the ground that the committee's disclaimer of the July 6 meeting proclaimed both at home and abroad the

---

\(^83\) Ibid., p. 311.
\(^84\) The De Lanceys even permitted Sears and McDougall to be on the drafting committee. Ibid., p. 312.
\(^85\) The precise nature of the incident is not clear. Apparently the timing of the motion was deliberate, since a move to publish ordinarily would be raised immediately after the adoption of the relevant resolve. The Livingstonians alleged that McEvers presented his motion after the session ostensibly ended and eight members had left the chamber. Whereas 30 votes were cast on prior motions that evening, only 22 were recorded for this ballot. The tally was 13 to 9. Later the De Lanceys did not deny that eight men left before McEvers took the floor. Ibid., pp. 311-12, 313-14; Becker, The History of Political Parties, pp. 126-27 and n.42.

When both parties aired their explanations of the affair in print, they adverted to their motivation and illumined an important aspect of factional politics. The statements of both sides indicate that the leaders were acting with one eye on Britain. Charles McEvers, in the course of the discussion on his motion to print the censure, justifying his maneuver, said that the activists published the July 6 rally's resolutions because they knew someone would transmit them to London. The speaker was implying that the ministry would interpret the news as a demonstration of the unity of the people and the Committee of Fifty-One in opposition to the Boston Port Act. Therefore, McEvers declared, the committee must make public its disavowal of the July 6 proceedings in order that it "might be sent home by the packet." Consequently, the British government would not only see that the fractious opposition did not control New York but also would understand that the De Lanceys did not engage in sedition or treason. The Livingstons by implication admitted their desire to flaunt the united opposition of the colony to the Port Act in the face of Lord North. Force, American Archives, 4th ser., I, 313-14.
The Road to Independence

existence of grave dissension in New York.\textsuperscript{86} Perhaps the unspoken rationale in this situation was more important than the spoken. The practical significance of the motion to print the repudiation was that the Livingstons could not remain on the committee and mobilize the citizenry to reverse their defeats by the De Lancey majority. The tug of war between the De Lanceys and Livingstons over the resolves went on, even though the Livingstons were no longer on the Committee of Fifty-One.\textsuperscript{87} After both sides

\textsuperscript{86} The Livingstons may have regarded the McEvers motion as treachery. When the committee proposed to draft its propositions on the Port Act, it tacitly conceded to the Livingstons the necessity of such procedure, but when it voted to publish a disavowal of the rally and those resolutions, it created a public impression of its opposition to the adoption of any proposals. This was partisanship with a vengeance. Since the De Lanceys acted deceitfully, the Livingstons could not hope for any future advantage from their labors in the committee.

Three of the Livingstons did not resign, nor has anyone explained their action. They were Philip Livingston, Peter T. Curtenius, and Abraham Duryee. Those who withdrew were Peter Van Brugh Livingston, Sears, McDougall, Francis Lewis, Joseph Hallett, Thomas Randall, Abraham P. Lott, Leonard Lispenard, John Broome, Abraham Brasher, and Jacobus Van Zandt. \textit{Ibid.}, pp. 310-14; Becker, \textit{The History of Political Parties}, p. 127.

\textsuperscript{87} On July 13 the Committee of Fifty-One drew up and printed its first set of propositions, which differed materially from the statement of the July 6 rally (see \textit{ibid.}, p. 129, n.47, for July 13 resolves). The most significant difference between the two declarations was the July 6 call for immediate nonimportation and an explicit pledge of obedience to any congressional policies. Desiring an expression of popular approval of their resolutions, the De Lanceys summoned a meeting for July 19 but the rally was a fiasco for the Church party. Under the leadership of John Morin Scott the Livingstons won control of the gathering, Scott slashed the De Lanceys' "pusillanimous" affirmation to ribbons, and the assemblage rejected the document and chose a committee to draft a new bill of particulars. The Livingstons, probably according to preconceived plans, placed ten of their coalition on the drafting committee of fifteen. These were P.V.B. Livingston, McDougall, Sears, Lispenard, Randall, J. M. Scott, James Van Varck, William Goforth, John Lamb, and Theophilus Anthony. There were five De Lanceys: Low, Duane, Jay, John Moore, and Henry Remsen. Although the De Lanceyites did not serve on the new committee, the ten Livingstonians on July 20 and 21 put together a statement which they modeled on the Fifty-One's handiwork. Meanwhile, jolted by the events of July 19, the Fifty-One stiffened the verbiage in their resolves but there was still a gap between the ideas of the two groups. Principally, the conflict centered on the question of obedience to the decisions of the Continental Congress. The Livingstonians were unequivocal in their asseveration of compliance but the De Lanceys were evasive. The two factions seem to have attempted between July 21 and 24 to end their disagreement but the effort was fruitless. A stalemate prevailed. \textit{Ibid.}, pp. 130-33; Sabine, \textit{Memoirs of William Smith}, pp. 188, 189; Force, \textit{American Archives}, 4th ser., I, 315-18.
modified their positions, they remained deadlocked until July 25. Possibly, the question of the Port Act and that of the candidates for the Philadelphia delegation merged here and as part of a compromise the Livingstonians dropped their insistence upon the adoption of their resolutions. No further mention of the matter occurred; the city accepted the Committee of Fifty-One's declaration of grievances against the North ministry.

The clamor of political strife hardly stilled in the streets of New York in August, 1774, when echoes of a more distant din disturbed the city. Through September and into October the colonials who met in Philadelphia to concert a common defense of American rights poured oratory into each others' ears in Carpenters Hall, argued earnestly over thorny questions in committee, and tactfully probed for weaknesses over food and drink in the city's taverns. Out

---

88 When the committee of ten Livingstonians completed their work, they bade the people to attend at the City Hall, July 25, to approve the drafters' labors. The transactions at this meeting have not come to light except for the brief newspaper account which noted that "nothing decisive was resolved upon." Perhaps a vigorous opposition by the De Lanceys and the presence of a large number of their adherents deterred the Livingstons from driving matters to a conclusion. Under these circumstances any vote would have revealed serious differences and since both factions saw the need for unity, both were reluctant to shoulder the responsibility for initiating an open break. Becker, The History of Political Parties, p. 133 and n.60.

89 Perhaps the key to the secret lies in the relationship between the City Hall rally and Committee of Fifty-One meeting on the same day, July 25. Although nothing materialized from the public assemblage, the Fifty-One opened their meeting at 6 p.m. with the unanimous adoption of a plan for the election of the congressional delegates in cooperation with the Committee of Mechanics on July 28. Whereas such motions in the past paired the balloting with the Port Act resolves, this prescription was silent on the latter subject. Negotiations in the intervening hours between the sessions may have broken the deadlock. Some opinion certainly pressed for the kind of settlement which the parties made. A broadside, signed "An Honest American," on July 25 stressed that the "Resolves are not material; whether we approve of a one Set or the other, is of no Consequence . . . a Reconciliation of Parties . . . is really essential, in order to procure a proper Delegation. . . ." Stokes, The Iconography of Manhattan Island, IV, 861; Becker, The History of Political Parties, pp. 133-34.

of the welter of words came a design which was to have a major impact on New York politics. Despite its tinkering, the Continental Congress bolted together an effective boycott machine, the Continental Association, and sanctioned the use of compulsion to obtain compliance with the provisions of the embargo. Since the provincials did not wish to trigger immediate economic chaos, they elaborated a timetable for the cessation of trade with Britain. They set December 1, 1774, as the opening of the nonimportation phase of the association; March 1, 1775, as the commencement of nonconsumption of tea; September 10, 1775, as the inauguration of nonexportation to Great Britain, Ireland, and the West Indies. The association recommended the formation of county, city, and town enforcement committees and empowered these committees to seize goods which merchants imported in violation of the terms of the boycott. The committees were to publicize the names of those who flouted any of the association’s stipulations and the people were not to purchase from those merchants. There was little consolation in all this for the De Lanceys but the association was not an unqualified disaster for them. All merchants were under the same restrictions; merchants in other towns would not be able to capture the New Yorkers’ markets. Secondly, there was a period of grace before the nonexportation stage became operative, whereas in New York in the preceding May and June, 1774, the Livingstonians had sought an instant suspension of commerce.

When the De Lancey representatives returned home from the Continental Congress, they brought with them a problem that caused considerable anguish among that faction.

91 The association banned the importation of all goods from Great Britain and Ireland, of smuggled tea, of molasses, coffee, pimento, syrups, and paneles from the British West Indies, of wines from Madeira and the Western Islands, of foreign indigo, and of slaves. The nonexportation article placed an absolute ban on both direct and indirect shipments to Great Britain, Ireland, and the West Indies, except rice for Europe. *Ibid.*, pp. 421-27.

By signing the Continental Association, they bound their colony to observe the conditions of the boycott. However, many of the leading merchants thought that it was a "wrong measure." A conflict over what policy to pursue seems to have supervened among the De Lanceys but the differences did not lead to the dissolution of the Committee of Fifty-One. Since the Low-Duane-Jay group among the Church party accepted the association, its knotty problem was how to apply the boycott without losing control of the machinery to the Livingstons. As a factor in the relative strength of the two factions, the association was a vindication of the views of the Livingstons and a consequent blow to the prestige of the De Lanceyites.

Any potential political advantage for the Livingstons in this situation remained hypothetical until the party hit upon the means by which to transmute their vindication into power. Since the Presbyterian party had read itself out of the Committee of Fifty-One, its record militated against its reentry into the committee. A practical alternative was the formation of a new committee to enforce the boycott, but the initiative lay in the hands of the Fifty-One because that body was still the titular leader of the city. The Livingstons did not act until the Fifty-One announced its plans and then the Presbyterians chose to challenge the De Lanceys through the medium of the Committee of Mechanics.

---


94 The Fifty-One met three times in November after the publication of the decisions of the Continental Congress. De Lancey attendance at these meetings did not decline, since it was fifteen, seventeen, and nineteen, respectively, approximating that group's range of nineteen to twenty-seven in June and July, thirteen to twenty in August, September, and October. Force, *American Archives*, 4th ser., I, 300-12, 328, 329, 330.

Becker interprets this internal conflict of the De Lanceys as centering on the fear that the Livingstons might assume direction of the opposition to Britain if the Church party withdrew. *The History of Political Parties*, pp. 163-64.

Although the Committee of Fifty-One proposed a modus operandi for the enforcement of the association, the Livingstons' opposition compelled that junto to abandon its project. When the Fifty-One published a plan on November 7 for the election of ward committees of inspection to supervise the terms of the association, the Committee of Mechanics objected and on November 14 organized a protest meeting which condemned the Fifty-One's proposition. If the De Lanceyites were as confident of their political strength in November as they were in July, they would have spurned the Mechanics' objections and permitted a stalemate to evolve. Their action was indicative of their apprehension; they heeded the Mechanics. On the evening of November 14 the De Lanceys invited the Mechanics to hold a joint session on the morrow with the Fifty-One in order to smooth over the differences between them. Apparently there were two bargaining conclaves, November 15 and 16, from which the Livingstons came away with a major victory.

The dimensions of the Livingstonian triumph clearly illumined the shift in power relationships. Not only did the De Lanceys agree to the formation of another committee but they consented also to the dissolution of the Committee of Fifty-One. Another revealing facet of the situation was the composition of the new Committee of Sixty. The De Lanceys accorded 43 percent of the seats to their opponents, which sharply contrasted with the Livingstons' 27 percent of the membership of the Fifty-One. Moreover, the joint

---


97 The division of the membership is conservative but conjectural. What it amounts to is this. In addition to the sixteen De Lancey holdovers, there were six who became loyalists and twelve whose affiliations are unknown. This combination gives the De Lanceys thirty-four members. One might argue that perhaps four of the unknowns (John White, Francis Bassett, John Anthony, and Jacob Van Voorhees) belong in the Livingston camp. If the De Lancey share is reduced by four, one has evenly divided the Sixty. Such an arrangement would accentuate, of course, the scope of the Livingston victory. Becker, *The History of Political Parties*, p. 168nn.
nominations for the succession organ contained ten of the eleven Livingstons who had resigned from the Fifty-One as well as six members of the Committee of Mechanics.\textsuperscript{98} In addition, the De Lancey share of the slate denoted that the faction retained sixteen and dropped twenty-one of its adherents on the Fifty-One, substituting eighteen other men for the latter.\textsuperscript{99} Circumstantial evidence suggests that pressure by the Livingstons forced the Low-Duane-Jay group to jettison twelve of those twenty-one whom it discarded.\textsuperscript{100}

\textsuperscript{98} Jacobus Van Zandt was not among the ten Livingstons. The six men from the Committee of Mechanics were Abraham Brasher, Hercules Mulligan, Victor Bicker, Theophilus Anthony, William Goforth, and Jeremiah Platt. \textit{Ibid.}, p. 198, n.23; Force, \textit{American Archives}, 4th ser., I, 319.

\textsuperscript{99} The sixteen carryovers were Alsop, Bull, De Lancey, Duane, Hoffman, Jay, Johnston, Laight, Low, Ludlow, Nicholl, Remsen, Shaw, Van Schaack, and A. and W. Walton.

The eliminated were Bache, Bayard, Beckman, Booth, Browne, Desbrosses, Duycinck, Goelet, Jauncey, McAdam, McEvers, Marston, Moore, Pearsall, Sharpe, Sherbrook, Thurman, Van Horne, Wallace, Yates, and Young.


\textsuperscript{100} Perhaps there were two factors which motivated the De Lancey leadership: Livingston pressure and De Lancey attendance at meetings. Possibly it was coincidence but these twelve members voted for the censure of the Livingstons on July 7. This was the meeting which induced eleven Livingstons to resign from the Fifty-One. There is the possibility that some De Lanceys withdrew because they could not accept the association. This is unlikely, however, since the attendance pattern of these dozen men was quite consistent. Their best record at meetings of the Fifty-One was from May through July 7 when their average was 66 percent. From July 19 through October 4 their attendance was an average 33 percent. There were no other meetings until November, at which time there were three. The group’s attendance then averaged 28 percent. Even at the climax of the struggle with the Livingstons on July 7, only 57 percent of this De Lancey dozen were present. The attendance record of the sixteen De Lanceys who remained on the committee was much better than that of their factional colleagues. The comparable averages were 81, 62, and 62 and for July 7 it was 62 percent. Finally, four of the twelve who were purged appeared on the newly formed Committee of One Hundred in April, 1775. Pressure rather than dislike of the association seems a more plausible explanation of the change in De Lancey personnel.

The attendance factor rather than Livingston antagonism may explain the case of eight of the remaining nine De Lanceys. There are records for twenty-seven committee meetings between May and November. Four of this group of eight members were not present at any of these sessions and the other four went to fewer than 40 percent of the meetings. A possible ex-
Therefore, acceptance by the De Lanceys of the Committee of Sixty with which to enforce the association was a signal stride forward for the Livingstons.

The people consummated this compromise between the factions on November 22, 1774. Since there was no opposition ticket, there was little interest among the electorate. Contemporaries estimated that from 30 to 200 voters participated. The city thus preserved its facade of unity in opposition to imperial policies but the facade concealed serious antagonisms that were becoming less and less amenable to conciliation.

Subtly but surely the grounds of factional hostility were shifting from the traditional arena of legal power and place to that of illegal power and place. The catalytic agent in this trend was imperial relations. As the colonial crisis planation of their elimination is that the faction leaders hoped to replace eight shirkers with more active partisans.

One other facet of this intrafactional strife demands clarification. Since there were thirty-seven De Lanceyites on the Committee of Fifty-One, one might well wonder how a minority of sixteen managed to purge a majority of twenty-one. The answer lies in the attendance at the committee meeting of November 15 at which the Fifty-One arranged their compromise with the Mechanics. There were nineteen De Lanceys and three Livingstons at this session; twelve of these were among the survivors, seven were among the purged. The combination of twelve De Lanceys and three Livingstons supplied a majority vote of 15 for motions on whom to eliminate. William Smith who probably had the information from a Livingston leader succinctly summarized these maneuvers in this fashion: "You'll not wonder therefore to learn that by the interest of the [Continental Congress] delegates the committee of Fifty-One is to be dissolved and a new committee to be appointed to execute the decrees of Congress, which is to consist of the [Continental Congress] Delegates and such a set as the most active of the Liberty Boys approve, and had (through the mechanics, who were consulted) chosen in conjunction with the Fifty-One, from which a set [i.e., the twenty-one] who formerly dictated all their movements, have retired, outwitted and disgusted, and, as they think, betrayed." For the attendance record of the Fifty-One see Force, American Archives, 4th ser., I, 293-330; Smith to Philip Schuyler, November 22, 1774, quoted in Becker, The History of Political Parties, p. 164, n. 24, and in Sabine, Memoirs of William Smith, p. 203; Jones, History of New York During the Revolutionary War, I, 488-89.

Introduction

sharpened in 1775, more and more De Lanceyites drifted out of illegal committees into the ranks of the Friends of Government, or, as the revolutionaries called them, Tories. The formation of rural committees of safety accentuated this direction of events since the De Lanceyites frequently refrained from joining these committees. Furthermore, the legislature which was a major center of De Lancey puissance atrophied in response to the deepening hostility to royal government. De Lancey influence waned gradually, while that of the Livingstons waxed. The Livingstons were building a broader party base than they had ever had.¹⁰²

There were other factional permutations which also had their origins in the quarrel with Britain. Those who labored the British ministry and their supporters increasingly denominated themselves Whigs and their opponents Tories. These appellations were naturally broader in their connotations than the party entities, but the Livingstons tended to assume that Whig was synonymous with Livingston. However, the application of these labels did not and does not imply the materialization of two political parties, each of which possessed a specifically defined program. There were no party programs but the factions espoused a line of conduct on sundry issues, issues which centered on colonial ties with Great Britain. Moreover, it does not clarify the relationship of the two factions to tag them as conservative or radical courses of action. Nevertheless, the Whig faction's conduct was more ambivalent than that of the Tories because the Whigs included an articulate group of mechanics who did not always concur in the policies of the leadership and who sometimes demanded substantial political reform.¹⁰³

¹⁰² Becker, The History of Political Parties, pp. 155-57, 160-61. Some of the De Lanceyites moved into the Livingston or Whig camp. Duane and Jay were prominent examples of this minority trend.

ALTHOUGH the Continental Congress adjourned October 26, 1774, and published the Continental Association, the people of New York, except in the metropolis, reacted uncertainly and slowly to the general policies which that document set forth. Hesitation, indifference, and opposition became manifest in the rural counties when the Fifty-One circularized them in November to organize county committees of inspection. Only three counties—Albany, Ulster, and Suffolk—complied with the recommendation from their brethren in Manhattan. The Whigs in five counties, if they bestirred themselves at all, made no impression on the countryside; neither county committees nor district committees were forthcoming. The Tories in the other five counties checkmated the Whigs, although the Whigs did mobilize some district committees in Tryon and Queens.\footnote{1}

Disturbed by these setbacks, the Whigs cast about for a means of invigorating the association movement. The Whig leaders transferred the weight of their efforts from the rural districts to the legislative halls, but their parliamentary tactics in the provincial assembly were no more successful than their county campaigns. Laboring assiduously, the De Lancey faction mustered the requisite majorities with which to beat down the three key Whig motions.\footnote{2} These
three resolutions were a proposal to approve the policies of the Continental Congress, a statement of gratitude to the merchants for their cooperation in the execution of the association, and a recommendation that the assembly appoint delegates to the Second Continental Congress. When the session closed, the Whigs took some comfort in the fact that the assembly adopted a petition to the King, a remonstrance to the House of Commons, and a memorial to the House of Lords. However, the Tories hailed the conduct of the legislature as a great victory for constitutional government.  

Although the Whigs had no other alternative but to call for the election of a provincial convention, they had to reach a difficult decision on what measures to propose to that body. Their inability to form strong county committees and their defeat in the assembly were factors in their decision not to strive in convention for an expression of approval of the Continental Association. If the motion of approval had carried in the assembly, it would have committed the colony to the policies of the Continental Congress and would have commended the city Committee of Fifty-One for their enforcement of nonimportation. This latter commitment by implication would have placed the imprimatur of the assembly on the extension of committees throughout the colony. Since none of these possibilities

2 See below, p. 52.  
The Road to Independence

had materialized and since these county elections were of purely local relevance and could not be affected by external concerns, the Whigs would find it very difficult at this juncture to circumvent the veto of the assembly. Therefore, the only feasible course for the Whigs was to summon a convention in order to choose delegates to the Continental Congress. This was not likely to be opposed by other than Tories, because the New Yorkers understood that Congress would meet with or without delegates from the Hudson. Since the Continental Congress might function without a New York representation, the province might lose out or suffer embarrassment through the lack of a voice in the continental proceedings.

The climax of these months of maneuvering was the convocation of a provincial convention in April, 1775. The recently chosen city General Committee of Sixty, initiating the convention movement in March, circularized the counties, asking them to send deputies to New York City on April 20 for the purpose of selecting delegates to the Continental Congress. Although nine counties responded favorably to the appeal from the city, five did not comply. Forty-one men met April 20-22 and chose a delegation of twelve to represent the province in Continental Congress. Thus the Whigs managed to maintain intact the ranks of the intercolonial opposition to the North ministry but their

---

4 For a contrary analysis of these events see Schlesinger, The Colonial Merchants, pp. 453-54.

If Whig Alexander McDougall may be believed, the Friends of Liberty reached a consensus in early February on the question of holding a provincial convention. "We have not yet chosen Delegates to meet the next Congress, waiting till we know whether the Assembly will do it or not. If they don't we shall be able with more Ease to bring about a Provincial Congress." McDougall to William Cooper, February 9, 1775, Alexander McDougall Papers, NYHS.

activity faltered because they did not have a viable county committee network.

The halting progress of revolutionary organization in the colony of New York in 1774 and 1775 was partly the consequence of royal authority. Although critics in neighboring colonies often harshly criticized the Yorkers for their dilatoriness, some critics permitted their ardor to override their knowledge of that colony's complex state of affairs, a state of affairs that compelled the revolutionaries to tread warily. The British government sought to block every move of the Whigs and its influence in the colony was widespread. The province had special significance for the British for both political and military reasons. The continued attachment of New York to the crown would split the continental union and multiply the pitfalls in the path of those who persisted in opposition. Since 1763 the city had been the headquarters of His Majesty's Forces in North America, a strategic center from which to direct the assembling and transposition of troops. Moreover, in critical days to come, it would afford a secure base from which to launch an offensive to split the rebels, or from which large-scale operations could be directed against the whole continental seacoast. 6

One source of royal authority was the considerable administrative machine that permeated the province. 7 Some


7 See the civil list reported by Governor Tryon in Edmund B. O’Callaghan, ed., Documentary History of the State of New York (4 vols.; Albany, 1850-1857), I, 521-22. Extensive as the list is, it omits such county and town officials as county judges, coroners, sheriffs, county clerks, justices of the peace, and mayors.
of these officials had imperial responsibilities; some had primarily local duties; others combined both. At the head of the administration stood the governor whose power in varying degrees reached down through the council, assembly, courts, sheriffs, mayors, and county and town officials. In another area functioned the customs, Indian, and post office departments. Standing behind civil officialdom, more and more obtrusively by 1775, loomed the armed forces under the control of the commander-in-chief. The South Carolina General Committee illustrated the contemporary comprehension of these relationships when that organ wrote to the New York Committee of Sixty: "We are not ignorant of that crowd of placemen, of contractors, of officers, and needy dependents upon the Crown, who are constantly employed to frustrate your measures. We know the dangerous tendency of being made the Headquarters of America for many years."8 Despite the imposing outlines of the provincial machine, no one would contend that a strong and vocal opposition did not exist. Within the provincial government, however, only a minority would join the revolutionaries.

More particularly, a point of complaint arose over the administration's influence in the assembly, which represented the freeholders and freemen. An anonymous New York correspondent of the Pennsylvania Journal, after listing the elected members of the legislature, their occupations, their social connections, and in many cases their crown offices held during pleasure, asked:

First, Whether the great number of crown officers, or their near relatives in the Assembly, is not a proof either of our extreme negligence of our Liberties, or of the vigilance of government for biasing our Members?

8 Letter dated March 1, 1775, New York Journal, April 6, 1775 (hereinafter cited as N.Y.J.); Force, American Archives, 4th ser., II, 1-2. In the pamphlet The Farmer Refuted Alexander Hamilton says: "How great an influence, places, pensions and honours have upon the minds of men, we may easily discover by contrasting the former, with present conduct of some
Royal Influence in New York

Second, Whether though the highest honour is due to the integrity of so many gentlemen, who have nobly risked their offices by their fidelity to the country, it is not nevertheless a scandal to the province, that we have as yet no place bill to exclude such from the House of Assembly as after an election render themselves dependent upon the Crown for offices held during pleasure, and Third, Whether from the arbitrary project of the late Parliament for introducing a council into the Massachusetts Bay, at the pleasure of the Crown, it does not appear to be an indispensible duty firmly to insist upon a law utterly to exclude the dangerous influence of his Majesty's Council, at all elections for representatives of the People.  

The unappropriated lands of the colony gave to the British a potentially persuasive instrument, especially in a tense period, since the possession of land seems to have been an almost universal aspiration among both the lesser and greater propertied classes. Issuance of the letters patent for land grants depended upon approval of the governor and council, who tended to favor the supporters of administration. Those who lacked the requisite political or social connections had to resort to other methods which might entail partial loss of the grant. "Rough Hewer" referred to this practice when he wrote that one "could not obtain a patent, except through the interest of ...[government] favorites, and that often at the expense of part, if not the half of his right." In the case of the Vermont lands some men even managed to secure patents from the New Hampshire government. Henry Franklin and Frederick and William Rhinelander inserted an advertisement in the newspapers, warning that they had obtained recently


9 Pennsylvania Journal, February 22, 1775 (hereinafter cited as Pa. Jour.). Perhaps some of the radical members of the New York City Committee of Sixty sent the letter to the Philadelphia committee.

For British use of this device see below, pp. 49-50.

The Road to Independence

a New York grant of 63,000 acres in Charlotte County on the east side of Lake Champlain but that they would share it with those who held these lands under a prior New Hampshire patent. The new patentees demanded the sharing of all costs and the procurement of a New York title. Among those named as holding from New Hampshire were Isaac Sears, Isaac Sears, Jr., William Smith, William Smith, Jr., Philip French, Philip French, Jr., David Matthews, Cornelius Low, Jr., Benjamin Blagge, John Blagge, Peter Ten Eyck, and Andrew Ten Eyck. 12

Although the home government sought to revise the system, the governor and council perpetuated it by granting land to those who would uphold the royal prerogative. From April, 1775, to July, 1776, Colden and Tryon approved grants totaling 423,064 acres, of which 328,216 acres lay in Vermont. More than 64 percent of the total, 273,121 acres, went to prominent Tories: the Rhinelanders, Franklins, Apthorpes, Edmund Fanning, the Rapaljes, Robert Rogers, and William Smith, agent for Governor Martin of North Carolina. 13

The merchants presented another possible channel for the diffusion of royal influence. Many Yorkers had strong commercial ties with the mother country; either they relied on British credit for their operations or they traded wholly within the empire. Still others functioned as factors for English houses or sold goods on a commission basis for British correspondents. A small group profited as contractors for the British military and naval establishment. 14

addition to these, the Indian traders under the supervision of the government had long conducted a profitable business. Economic considerations, however, by no means predominated in the web of bonds with Britain. A number of merchants had emigrated only recently to America or had maintained close ties back home. Another group of merchants served on the council or held office on the local level in Albany and the capital. Finally, intermarriage between merchants and officials drew a number of leading families into the circle of government supporters. 15

When colonial affairs deteriorated critically in 1773 and 1774, the British ministry turned to good account its position in New York. Employing a combination of persuasion and pressure, the ministry sought to mobilize enough strength to split New York from the Continental Association. Certainly the landholding aristocracy and speculators, involved in major boundary disputes with New Hampshire, Massachusetts, and New Jersey, would have welcomed a Privy Council decision in their favor. The Secretary of State for the Colonies, Lord Dartmouth, intimated the rewards that awaited the faithful when he discussed the state of the Vermont controversy with Lieutenant-Governor Colden at the close of 1774: “Their [i.e., the Yorkers’] Pretensions will meet with every Countenance and Support that can be shewn consistent with Justice; for I can with Truth say that the Conduct of that Province in general . . . has been such as justly intitles its well disposed and peaceable Inhabitants to His Majesty’s particular Favor and Indulgence.” 16 Colden himself pressed the Secretary to conduct policy along these lines, expressing the hope that he “will encourage this good and singular disposition by such

instances of indulgence and favor, as shall be wisely calcu-
lated to render most evident the good effects of the conduct
of this Province." 17

Governor William Tryon’s instructions of May, 1775,
containing several important proffers, bore out the con-
tinuance of these tactics. Dartmouth offered a blanket
assurance to give “every reasonable satisfaction” to His
Majesty’s faithful subjects in New York. A second example
of the royal indulgence and favor manifested itself in con-
ditional approval of the Totten and Crossfield Indian pur-
case. This tract comprised an extremely large area in the
Adirondacks and involved many of the colony’s leading
personages. Royal confirmation of the transaction hinged
upon New York’s repudiation of the Continental Associa-
tion. Even education had its political application. The
Colonial Secretary had no objections to the draft of the
new charter for Kings College and did not anticipate dif-
ficulties for it in the Privy Council. In addition, the instruc-
tions held out the prospect of the council’s assent to charters
of incorporation for the Dutch Reformed and Presbyterian
churches. 18

The British did not neglect the power of the purse, al-
though no evidence of open bribery has come to light.
Nonetheless, the Whigs circulated charges that Dartmouth

17 Colden to Dartmouth, February 1, 1775, ibid., VIII, 532. Those in high
places in London assured the Friends of Government in New York of the
royal esteem for that colony: “‘Pursue the same path, and your province
will be honoured with every mark of distinction from this country. His
Majesty is already disposed to grant you every honourable favour that can
be proposed.’” Dr. Samuel Auchmuty to Captain Montresor, April 19,

18 Major Philip Skene and Rev. John Vardill urged Dartmouth to grant
the charters since it would lead the Presbyterians “to cooperate more zeal-
ously in support of government.” Skene and Vardill to Dartmouth, March,
1775, Great Britain, Historical Manuscripts Commission, Fourteenth Report,
Appendix Part X (Manuscripts of the Earl of Dartmouth) (London, 1895),
p. 284 (hereinafter cited as Hist. Mss. Com.). Dartmouth to Tryon, May 4,
1775, O’Callaghan, Documents, Colonial, New York, VIII, 573. See William
Smith’s comment, Historical Memoirs of the Province of New York, V, June
28, 1775, William Smith Papers, NYPL (hereinafter cited as Memoirs).
Royal Influence in New York

had large sums to expend in America. Some “Citizens of New York” published a broadside in November, 1774, warning the people that the ministry intended to buy up the newspaper printers.19 Early in 1775 the press carried an extract of a letter from London which asserted that “it is currently said here and with much confidence, that a good deal of public Money, has been put in the Hands of a Mr. —— one of the —— and some of your other great Men, in order to buy their Influence in Favour of the Ministerial Measures. . . .”20

By far the most sensational allegation of bribery came to hand in May, so sensational that the New York Committee of One Hundred21 tried to suppress it, but the Pennsylvania Journal frustrated the committee’s design. The Journal of May 17 reproduced an extract of a London letter which asserted that several members of the New York assembly had pocketed bribes of more than £1,000 each for their votes in January, 1775. The writer went on to allege that a group of De Lancey party leaders would be rewarded with places of “honor, profit and pensions.”

The source of this information seems to have been a letter from London alderman William Lee to Samuel Adams, who, in turn, edited the letter for publication. Lee charged that “the Ministry now openly boast of their having last year sent large sums to New York to bribe the Members of that Assembly and the names of De Lancey, Phillips and Rappalje are frequently mentioned as having each of them received one thousand guineas for their conduct in the Assembly respecting the late Continental Congress and for refusing

19 To the Public by “Citizens of New York,” November 16, 1774, Broad-sides, NYPL.
20 N.Y.J., February 9, 1775. A similar warning appeared in ibid., March 16, 1775. This letter seems to have been from Thomas Lane, Chairman of the London Merchants to Francis Lewis. See the comment of William Smith, Sabine, Memoirs of William Smith, p. 213.
21 For the creation of the Committee of One Hundred, see below, pp. 69-75.
The Road to Independence

to send Delegates to the May Congress.” Lee set forth a number of other grave imputations. For example, he alleged that Lieutenant-Governor Colden would resign with a pension, that Councilor John Watts would succeed Colden, that Watts's son would take his father’s place on the governor’s council. Lastly, Lee declared that Philip Skene would receive a land grant of 120,000 acres and a commission as governor of Crown Point and Ticonderoga.

Later events substantiated some of the allegations. Skene did secure both the office and the land. Moreover, the De Lancey party did move as a subterfuge to petition the King and Parliament in order to forestall approval of the Continental Congress by the New York assembly.22

A passage in Smith’s memoirs tends to give a shadow, but no more, of credibility to the bribery charges. Smith records a meeting of the key De Lancey faction leaders on January 9 at which they discussed the probable division of the assembly on the question of approving the acts of the First Continental Congress. The leaders agreed that the administration could count on eleven votes against approval, but they calculated Whig strength at fourteen votes, which meant there were six uncommitted members. When the January vote came, it went 11 to 10 in favor of the De Lancey faction. Later votes on the colonial dispute ran 15 to 9, 15 to 10, and 17 to 9 for the government’s position.23

22 There were two letters, April 4 and 10, 1775, Bancroft Transcripts: Samuel Adams Papers, NYPL. Lee apparently prepared the first one for publication, signing it “L.L.” The New York copy of the extract, which Adams probably sent to a number of committees, is printed in New York, Calendar of Historical Manuscripts Relating to the War of the Revolution, in the Office of the Secretary of State (2 vols.; Albany, 1868), I, I-2 (hereinafter cited as Cal. Hist. Mss.).

Adams, prior to receipt of the Lee letter, believed the assembly to be corrupt. Adams to Arthur Lee, March 4, 1775. Arthur Lee had warned Adams also that the North ministry was spending lavishly and offering concessions in order to maintain New York’s allegiance to the crown. Arthur Lee to Adams, March 2 and 4, 1775, Bancroft Transcripts: Samuel Adams Papers, NYPL.

On Skene see Carter, Correspondence of General Gage, I, 354, II, 158; Hist. Mss. Com., p. 269.
The De Lancey leaders' gross underestimation of Tory strength suggests that the administration applied powerful pressure to change some votes.\textsuperscript{24} Although nothing in the preceding material proves the Whig charges of bribery, it is true that some men did receive special inducements. The Colonial Department notified Drs. Myles Cooper and Thomas B. Chandler, able Tory penmen, that the Treasury would pay them £200 per annum "from a consideration of your merit and services."\textsuperscript{25} James Rivington, printer of \textit{Rivington's New-York Gazetteer}, having won favor in the ministry's eyes, became the recipient of £100 per year and the title of His Majesty's Printer within the Province of New York.\textsuperscript{26}

Rivington had earned his £100 salary. Although he had not begun publication of his newspaper until 1773, he had surpassed his competitors, Hugh Gaine and John Holt, and circulated his \textit{Gazetteer} through many of the colonies.\textsuperscript{27} As political differences multiplied, Rivington's paper emerged as the bulwark of established government. Equally important, the printer functioned as a publisher of Tory tracts.\textsuperscript{28} It is not surprising that the Whigs detested him. Bitter denunciation of his press spread through the colonies

\textsuperscript{23} The difference among the totals of votes cast reflects the absences of members. There were thirty-one members of the assembly.

\textsuperscript{24} Becker, \textit{The History of Political Parties}, p. 176; Sabine, \textit{Memoirs of William Smith}, p. 208. See below, pp. 79-80, for discussion of these affairs in the assembly.

\textsuperscript{25} Secretary Pownall to Drs. Cooper and Chandler, April 5, 1775, O'Callaghan, \textit{Documents, Colonial, New York}, VIII, 569.

\textsuperscript{26} Sidney I. Pomerantz, "The Patriot Newspaper and the American Revolution," in Morris, \textit{Era of the American Revolution}, p. 316. That this was an unusual appointment may be seen from the source of the money. The Lords Commissioners of the Treasury were to pay him "out of such fund as their Lordships shall think proper." O'Callaghan, \textit{Documents, Colonial, New York}, VIII, 568.


\textsuperscript{28} In 1775 Rivington printed approximately twenty-eight political tracts, most of which were Tory. Charles R. Hildeburn, \textit{Sketches of Printers and Printing in Colonial New York} (New York, 1895), p. 117.
from South Carolina to Rhode Island, taxing him with the publication of "glaring falsehoods." 29

One of his stories brought him a reprimand from the New York City Committee of Observation 30 in March, 1775. Sponsoring the most debatable recommendation of the day, participation by the province of New York in the Second Continental Congress, the Whigs maneuvered to win popular approval of their proposal. 31 On March 2, Rivington's Gazetteer carried this item without any qualification: "Last Monday the committee of observation met; it was proposed that they should nominate delegates, to the continental congress, for the approbation of the city and county, but being opposed, the final resolution of the committee was deferred until the next meeting." To the reader the story bore the implication that those who advocated sending delegates to Congress comprised only a minority of the committee and so avoided a vote on their proposal. Fearing an adverse reaction to the report, the committee formally repudiated it as false and voted to have two members pay Rivington a call in order to learn its origin. The delegation apprised their colleagues that Rivington had stated the source of his news as "common report" and, under pressure, had agreed to print a retraction. Having heard the presentment, the committee resolved then that Rivington should not present "common report" to the public as news. 32

After the startling news of Lexington and Concord had aroused the city on April 23, the Tory printer abruptly

---

30 The Committee of Sixty.
31 See below, p. 81.
32 Riv. Gaz., March 2, 1775; N.Y.G., March 20, 1775. Rivington challenged the accuracy of the delegation's summary of their interview: he asserted he told the committeemen the news was "credited" not "common report." Riv. Gaz., March 16, 1775.
revised the tone of his paper. The numerous letters from Tories vanished; the partisan news reporting diminished; however, the reformation did not result in the publishing of the pseudonymous political letters of the printer's antagonists. 33 Although Rivington in the issue of May 4 denied any intent to injure American liberty, six days later he fled from a group of angry Whigs to a British vessel in the harbor. By promising to reform and promising not to violate the association, Rivington won the permission of the Provincial Congress to continue publishing. 34

Shortly thereafter the Gazetteer showed signs of trimming even more closely to the prevailing wind but once more changed course with the arrival of Governor Tryon. Before Governor Tryon, returning from Britain, reached the city June 25, this newspaper carried two installments of Alexander Hamilton's pamphlet which attacked the Quebec Act. 35 The reappearance of the Governor seems to have emboldened Rivington, and the Gazetteer took on a more pronounced Tory flavor. Even though the Rivington press had begun printing Hamilton's Remarks on the Quebec Bill, the newspaper not only discontinued further installments but also ceased to advertise it. The June 29 number, furthermore, while containing a description of Tryon's reception by the town, had nothing to say about the simultaneous arrival of Washington in New York and only a few words that noted his departure for Boston. Having changed

33 ibid., April 27, May 4, 11, 18, 25, 1775.
35 Riv. Gaz., June 15, 22, 1775. Rivington had published previously two other Hamilton pamphlets, although not serializing them in the Gazetteer.
his publishing policy, Rivington persistently filled his
columns with pro-Tory news stories until the demise of the
paper in November, 1775.36

Rivington was so successful in presenting the Tory view
of events in America that the Whigs destroyed his news­
paper in November, 1775. The most widely accepted in­
terpretation of the wreckage of Rivington’s shop is that
Isaac Sears conducted the foray to satisfy his personal animus
against the printer. The basis for this viewpoint is an
acrimonious exchange of letters in 1774 between the two
men. An examination of the letters, however, does not
reveal any threat, overt or implied, by Sears.37

Early in January, 1775, Rivington and the Tories utilized
a minor incident to seek to discredit Sears. The Gazetteer
carried a statement by John Case which charged that Sears
had threatened and roughly handled him in a political
dispute. “A Friend to Constitutional Liberty” rebutted the
accusation in detail with supporting statements from wit­
tnesses and stated that Case was a dupe of the “anti-American
club” that met at Rivington’s. Although he might have
done so, Sears did not turn his anger on Rivington.38

If the accusation of a personal feud were true, the radical
leader certainly did not have a consuming desire to wreak
vengeance on his adversary. He waited eight months to
strike a blow. With the city in turmoil the week after the

36 Ibid., June 29–November 23, 1775. On Washington and Tryon see
below, p. 78.

37 Pomerantz, “The Patriot Newspaper,” in Morris, Era of the American
Revolution, p. 318; Henry B. Dawson, Westchester County, New York,
During the American Revolution (Morrisania, 1886), pp. 127-40; Thomas
Jones, History of New York During the Revolutionary War, and of the
Leading Events in the Other Colonies at that Period, ed. Edward F. de
Lancy (2 vols.; New York, 1879), I, 66; Becker, The History of Political
Parties, pp. 245-46; Hildeburn, Sketches of Printers, p. 120; Victor H.
ary of American Biography, XV, 638, XVI, 539; George H. Sargent, “James
Rivington, the Tory Printer,” Americana Collector, II (Metuchen, 1926), 336­
41; Schlesinger, Prelude to Independence, p. 240. The letters are in Jones,
History of New York During the Revolutionary War, I, 561-66.

news of Lexington arrived, Sears could have very easily organized a mob to destroy the Rivington press. Moreover, when a band did visit the Rivington shop in May, 1775, apparently seizing the sheets of a Tory pamphlet in press, it did not molest the newspaper, which was published regularly during the temporary exile of the printer. 39

Why then did Sears hold his grudge in abeyance another six months before putting an end to the printing activities of Rivington? Governor Tryon did not mention personal feelings when he apprised Dartmouth of the November incident. Tryon attributed the catastrophe to "the freedom of Mr. Rivington's publications, & especially in his last paper."40 Since the last number of the Gazetteer bore the date November 23, Sears could not have seen it before setting out on his expedition from New Haven on the twentieth. 41 The Governor, however, may have been partly correct.

A comparison of the Gazetteer for November 2, 9, and 16 points to the issue of the ninth as likely to have offended the Whigs most. The volume of pro-Tory news in that day's paper far overshadowed the other numbers; indeed, the final issue of the twenty-third was quite mild in contrast. Rivington devoted three and a half columns of the front page of the November 9 issue of the Gazetteer to the August 8 proclamation of Governor Martin of North Carolina

39 Hildeburn, Sketches of Printers, p. 120. See above, p. 55. The pamphlet, The Republican Dissected, was "A. W. Farmer's" reply to Hamilton's The Farmer Refuted. Advertisement, Riv. Gaz., April 13, 1775.
40 Tryon to Dartmouth, December 6, 1775, O'Callaghan, Documents, Colonial, New York, VIII, 646.
41 Sears apparently quitted New York in a huff after he quarreled with the Provincial Congress in early November, 1775. He urged the seizure of some British army blankets and hospital stores but the Provincial Congress would have nothing to do with it. "Sears I'm told is so highly offended with this Congress for acting so that he is set out for Connecticut and swears he wont return—meaning to punish the City by absenting himself from it. All people seem to wish he may persevere in such a punishment." John Patterson to Colonel Robert Livingston, November 6, 1775, Livingston Redmond Papers, FDRL.
which labeled the provincial convention of that colony as treasonable and its members traitors, ordered the arrest of its leaders, placed prices on the heads of the leaders, and held out pardon to those who would ask for it.\textsuperscript{42} Page two presented the address of the Boston Tories to Gage on his departure and the reply of the latter. Page three contained more Boston items, three proclamations of General Howe, and a proposal to form an association of Boston Tories. Page four reproduced the Quaker address to the Pennsylvania General Assembly, an address which was strongly Tory in tone.\textsuperscript{43}

Radical Whigs seem to have maintained a sharp eye on the press and reacted strongly. "An Occasional Remarker" attacked the Gazetteer in the New-York Journal on the sixteenth, exhorting the Committee of Safety\textsuperscript{44} and other "friends of liberty" to make Rivington reveal the names of the persons who contributed the offensive pieces. Alarmed by the quantity of Tory news, "Remarker" also pressed for the creation of a special committee that would write replies to these stories. It may be that "Remarker" reflected the growing alarm among the more radical rebels at the increasing boldness of Rivington.

There is still another aspect of this picture that deserves notice. Governor Dunmore of Virginia may have unwittingly played a part in the ruin of Rivington. On October 7 he directed the seizure of the Norfolk press of John H. Holt and two of his workmen, provoking even the Tory mayor and town council to protest unavailingly.\textsuperscript{45} It is highly

\textsuperscript{42} Rivington copied the text from the Pennsylvania Journal, November 1, 1775, but the latter also printed the North Carolina Convention's indignant reply to Martin which the New Yorker omitted.

\textsuperscript{43} Of the other New York newspapers, the ardent Whig Journal did not carry any of the North Carolina, Boston, and Philadelphia items, but the Gazette did publish the Boston stories November 6 and 13.

\textsuperscript{44} See Becker, The History of Political Parties, chap. ix, for the chronological narrative of these months.

\textsuperscript{45} John H. Holt was the nephew of printer John Holt of New York. Schlesinger, Prelude to Independence, p. 57.
probable that Sears read of this event since the story appeared in both the New Haven and New York papers. There is, furthermore, a more direct link between the Virginia and New York proceedings. According to the contemporary account of the Rivington incident, as Sears and his men carried out the printing types, “they offered to give an order on Lord Dunmore [for them].” It may be that the combination of the content of the Gazetteer and confiscation by Dunmore of the printing equipment of Holt led to the drastic action against Rivington.

The foray of Sears from New Haven reflected careful planning which involved two other Yorkers, Samuel Broome and John Woodward. The leaders had two major objectives: the seizure of three Westchester Tories and the destruction of the Rivington press. Sears suspected the intended Westchester victims of planning to waylay him and put him aboard the British warship Asia. Assembling approximately ninety-seven mounted men, Sears departed for New York on November 20. In Westchester the troop secured Samuel Seabury, Judge Jonathan Fowler, and Mayor Nathaniel Underhill of Westchester Borough without incident and dispatched them to New Haven under strong guard. At Mamaroneck they burned a small sloop which the British had purchased to supply the Asia. They paraded down the “main street” of Manhattan at noon, November 23, and drew up in front of the Rivington shop. It took a small detachment about three-quarters of an hour to smash the printing press and package the type. As they rode off with the type the “vast concourse” of spectators, estimated at 1,500, “gave them three very hearty cheers.” On their eastward journey the raiders disarmed all the Tories whom

---

46 Connecticut Journal, October 25, 1775; Riv. Gaz., October 26, November 2, 1775.
they encountered. The last leg of the trip through Connecticut assumed the proportions of a triumphal procession and New Haven welcomed them with a salute from two cannon. The loss of Rivington’s Gazetteer deprived the British of a major channel of communication with the people of the province in this critical period and contributed to the diminution of the influence of the government.  

British patronage and the hesitant policy of the New York Provincial Congress in 1775 inspired ugly suspicions in the other colonies. Holt’s Journal published a warning to its readers on how New York looked to the outside world, when it printed part of a letter from the familiar “gentleman in London to his friends”: “The duplicity of New York will ever render them suspected. The many, repeated assurances given to the Ministry by their quondam leaders, will justify a suspicion, which the conduct of some of the merchants and traders confirms, that they would adopt any means to break through or elude the association.” Closer to home, General Wooster of Connecticut was protesting to Governor Trumbull his subordination to the control of the New York Provincial Congress as a “disgrace” to himself and a “dishonour” to his own colony. “Your Honour well

---


49 See below, chap. iv.

50 N.Y.J., August 31, 1775, letter from London to his friend in Philadelphia, June 4, 1775. Pa. Jour., April 19, 1775, had printed an extract which stated that the ministry expected New York to desert the continental union. For similar sentiments see the broadside, To the Inhabitants of New York and . . . America, New York, April 20, 1775, NYPL, which contains extracts of several letters from London. Franklin said the ministry expected the 4,000 troops being dispatched to New York would be received with cordiality. Extract of a Letter from Philadelphia to a Gentleman in this City, Dated the 6th Inst., New York, May 8, 1775, Broadsides, NYPL.
knows,” he wrote, “the suspicious light in which the New-York Congress are viewed by the rest of the Continent. . . . I have no faith in their honesty in the cause.” 51 After having encountered New York reluctance at first hand, General Charles Lee had much the same opinion of the rebel leadership. 52 Although John Jay confessed anxiety for the “Honour of our calumined Colony,” he hastened to add, “I can assure you the Province stands well with the [Continental] Congress. . . .” 53 Jay to the contrary notwithstanding, a committee of Congress that had visited New York in February, 1776, privately voiced skepticism of New York loyalty to the cause. 54 These misgivings persisted until the colony accepted the Declaration of Independence. 55

In spite of the far-reaching authority of the government, a rising opposition to royal policies gradually broke down the government’s supremacy. The province divided into two major groups, Tory and Whig, that cut across social and class lines.

51 Wooster to Trumbull, August 24, 1775, Force, American Archives, 4th ser., III, 263.
53 Jay to McDougall, March 27, 1776, McDougall Papers, NYHS. Jay said, “it would give me Pleasure to see them [New York] distinguished by vigorous Exertion.”
54 Nettels, George Washington, p. 212.
THREE

Division into Tory and Whig

When General Thomas Gage set his troops in motion for Lexington and Concord in April of 1775, he had no notion, of course, that he was constructing a species of *deus ex machina* for the New York Friends of Liberty. The spur of the military confrontation enabled the Whigs to solve the internal problem of revolutionary committee organization and to elaborate a provincial system of district and county committees. This linkage of external and internal affairs was to recur in New York at critical moments in 1775 and 1776 and was to give a fillip to the revolutionary movement.

Events in New York moved swiftly in April in direct response to word of the encounter in Massachusetts. Amid the excitement which this information generated, the city General Committee on April 26, seizing the initiative, entreated the counties to elect a provincial congress, which would convene May 22. The General Committee, reorganizing itself to meet the new conditions, expanded its membership to one hundred.¹ Well might the Tories have gnashed their teeth in frustration over the trend of affairs, especially since Lieutenant-Governor Colden had received a copy of Lord North’s conciliatory resolution. However, so intense was the agitation in the city that Colden and the council reluctantly declined to permit the colonial assembly to
Division into Tory and Whig

resume its adjourned session and consider this gesture of the British ministry.²

The focus of revolutionary power in the next few months swung to the First Provincial Congress, which assembled May 23. The passage of a recommendation to the laggard counties to create county and district committees was one of the first measures which the Provincial Congress undertook. Concomitantly, the deputies agreed unanimously to have the local committees canvass their districts for signatures to the Defense or General Association. This General Association, not to be confused with the Continental Association, was in effect a pledge of allegiance to the Provincial Congress, since the signer resolved “in all things [to] follow the advice of our [Provincial Congress] respecting the purposes aforesaid, the preservation of peace, and good order, and the safety of individual and private property.”³ All problems, however, paled into insignificance beside the crucial one of defense, and the congressmen devoted most time and energy to placing the colony in a military posture. Two transactions in Philadelphia confirmed the Yorkers in the wisdom of their military preparations: the Continental Congress assumed jurisdiction over the colonial units that were besieging Boston, appointing George Washington in June as command-in-chief of all continental forces, and then, in July, administered the coup de grâce to the conciliation proposal of Lord North.⁴ Although the Whigs wielded authority in these weeks, they acted so hesitantly on numerous occasions that they gave contemporaries an impression of weakness rather than of strength.

¹ See below, pp. 69-75.
The Road to Independence

The slow maturation of the New York revolutionary party and the tortuous course of the Whigs generated a deceptive image of political relationships in the colony. The unwary observer might have inferred from an uncritical examination of these factors that the Whigs were a minority, but a searching probe of these elements exposes the falsity of this conclusion. It is the contention of the subsequent pages that the Friends of Liberty constituted a majority of the population.

It is impossible to determine with exactitude the division of the people into Tory and Whig. British rule in the province enjoyed its most loyal support among the De Lancey faction, who composed the core of Toryism. The faction drew its leaders from the landed aristocracy and the principal merchants of the province, a group largely in support of the administration. Moreover, the Tories possessed a numerous following among the middle landholders and tenantry, the professional classes, the smaller merchants, mechanics and tradesmen, and among the urban laborers.


Among the Tory middle landholders and tenantry were Alpheus Avery,
The colony was indeed a house divided. As for the revolutionary opposition, it attracted a minority of the great landed families and rich merchants but enlisted strong popular support among the middle-class farmers and tenantry and the lesser merchants, mechanics, and laborers. Furthermore, it is possible to obtain an approximate idea of the relative strength of the contending parties through an examination of some of the events of these days and of the opinions of contemporaries.

New York City faithfully performed its role in 1775 as the storm center of the province. The Friends of Government challenged the Liberty Boys to a test of their popularity in February when they sought to break the Continental Association against imports from Britain. The arrival of the James, Captain Watson commanding, from Glasgow the morning of February 2 became the occasion for a contest between the defenders of the established order and the government's critics. A few members of the Committee of Sixty leaned toward granting Watson permission to unload, but at a meeting that same night only three or four members of the approximately forty present voted for it. The committee, therefore, ordered the James to depart without registering at customs or breaking cargo, although it granted the captain time to obtain supplies and necessary papers. At the special request of Buchanan, consignee of the cargo, the committee conferred again the evening of the third to reconsider but adhered to its original decision. Although the consignee declined to invoke governmental aid, the Friends of Government, with Watson's approval, planned to organize a posse to protect the unloading of the goods, a species of tea party

John Bates, and James Beyea, farmers of Westchester; John Brown, William Brown, Abraham, Henry and John Bulyea, and James Crawford, tenants of Westchester. Among the professional classes and merchants, for example, were Samuel Clossy of Kings College and Isaac Bennet, merchant of New Rochelle. Among mechanics, tradesmen, and laborers were Thomas Austin, blacksmith, John Bennett, ship's carpenter, and Frederick Brantigan, baker.
in reverse. Learning of these intentions, the radicals spread the alarm and mobilized so many people to oppose the landing that it could not be carried through; the crowd dispersed the posse.  

Checkmated, but not willing to concede defeat, the Tories now turned to official measures. Lieutenant-Governor Colden convened his council to determine a course of action and, after a three-hour debate without Colden’s presence, the councilors ordered the man-of-war King’s Fisher to provide an armed escort for the James. When the James reappeared at the wharves with a naval complement aboard, a large Whig crowd stood ready to prevent the ship’s unloading. Deterred by this show of popular sentiment, the Tories yielded. So great was the hostility of the people that even Tory leaders denounced Captain Watson. Oliver De Lancey exclaimed to Philip Livingston and Francis Lewis, “What does that dam’d Rascal come up here again for? Why don’t he quit the Port?” And quit the port Captain Watson did, with cargo unbroken.

The very day, February 10, the De Lanceys strove to mollify public opinion, a grand jury drew up an address to the city Court of Quarter Sessions. The message expressed opposition to parliamentary taxation and termed “oppressive” those acts of Parliament which extended the powers of the Admiralty and Vice Admiralty courts. The ideas and

7 Arthur M. Schlesinger, Sr., The Colonial Merchants and the American Revolution, 1763-1776 (New York, 1939), p. 490; N.Y.J., February 9, 16, 1775; To the Freeholders, Freemen, and Inhabitants of the City and County of New York, February 6, 1775, Broadsides, NYPL.


Division into Tory and Whig terminology followed the fourteenth section of the Continental Association.  

The government's position continued to deteriorate and suffered a further shock in the middle of April. Whereas in October, 1774, the Fifty-One had disapproved interference with shipping supplies to Gage in Boston, in April, 1775, the Committee of Sixty resolved to forbid such shipments. Although two merchants fell victim immediately to the ban, two others, Ralph Thurman and Robert Harding, determined to defy the committee. Sears, John Lamb, and Marinus Willett rallied the people to compel the two merchants to abide by the committee's resolution. Alarmed by the threats of the British Barrack Master General to take himself and his contracts elsewhere, the mayor and petty merchants importuned the government to intervene. Although the council voted to have Colden issue a proclamation against interference with commerce, William Smith prevailed upon his colleagues to launch an inquiry into the matter in order to "know the Truth, & have solid Grounds to act upon."

The council lost its opportunity to investigate the matter because some councilors underestimated the hostility of the people. After hearing the testimony of Barrack Master General Brigadier General James Robertson, some members of the council implied to Mayor Hicks that the governor and council wished him to arrest Sears and Willett. The Mayor obligingly had the two men brought before him. Willett gave bail, but Sears refused to do so on the ground that the arrest was "a violation of liberty." When the officers of justice arrived at the jail with their prisoner, they had to

---

9 N.Y.J., February 16, 1775 and Pa. Jour., February 20, 1775. A squib in the N.Y.G., February 20, 1775 stated that the jury foreman did not present the address to the court nor read it to the court. The association text is in Schlesinger, The Colonial Merchants, p. 612.

surrender him to a party of his friends who had gathered hurriedly to rescue him. The release became a triumphal procession, with colors flying, through the town to the Liberty Pole. According to prior notice, a multitude of people had assembled at the Pole to adopt a decision on the violation of the exportation interdict. Although Mayor Hicks and all the bailiffs had come to this meeting, Sears underscored their helplessness when he asked the audience “whether a Son of Liberty ought to give bail or not?” Upon hearing the question carried in the negative, the assemblage gave three huzzas. The intended show of authority ended in defeat for the government and exposed it to the contempt of the people. Although Anglican churchman Dr. Samuel Auchmuty could declare disgustedly that “our magistrates have not the spirit of a louse,” there was little else they could do. The British had reduced the garrison to slightly more than 100 men in order to reinforce Gage in Boston and could not rely upon the city militia, as coming events would soon prove. In Tryon County the Tory Johnson family depended upon their Highlander tenantry to intimidate and overawe the Whig farmers, but in the city to whom could the administration look for aid? The Sears incident dramatically revealed how public opinion had shifted since the preceding December.

At the close of December, 1774, however, an incident occurred which exposed the Whigs’ weakness. Andrew Elliot, Collector of the port, seized a shipment of British manufactured arms imported in the Lady Gage. As the customs


12 Auchmuty to Captain Montresor, April 19, 1775 in Pa. Jour., May 31, 1775. Auchmuty hopefully predicted “That it will not be long before he [Sears] is handled by authority.”

officers carted the arms to the custom house, a small party of Whigs fell on the officials and carried off the wagons. Before they could secrete the weapons, however, a larger body of royal officials recovered them and eventually put the cargo aboard a man-of-war. A broadside, appearing over the pseudonym “Plain English,” arraigned Elliot for acting arbitrarily and exhorted the people to assemble and demand the arms. The Collector denied the charge and challenged “Plain English” to come to the Coffee House to present a bill of particulars. The Tories rallied a considerable number of people, including merchants, shipmasters, seamen, and citizenry, to Elliot’s defense. When the Collector demanded that the broadside’s author step forward, there was no response and the crowd gave three cheers for Elliot. The Whigs could not win enough support to regain the arms. But between December and April the change in public sentiment might have stimulated forebodings about the future. Further inflammatory acts or news might lead to a crisis.

The crisis immediately followed the Sears affair. The grim tidings of Lexington reached New York about 2 p.m. Sunday, April 23, 1775, by an express rider from Connecticut and two ships from Newport. Hastily convening in response to the emergency, the Committee of Sixty met at 4 p.m. amid the general confusion and took important preliminary steps.

14 The destination of the arms was Rhode Island. Elliot confiscated the weapons when they were being loaded aboard a coasting vessel because the Lady Gage’s captain had no cockets for the shipment. Furthermore, a British order-in-council forbade the colonial importation of arms and ammunition without a license from the Privy Council. Just prior to this incident Colden transmitted to Elliot Dartmouth’s instructions on such matters. Colden to Elliot, December 15, 1774, Colden to Dartmouth, January 4, 1775, Letterbooks of Cadwallader Colden, New-York Historical Society Collections, X (New York, 1877), II, 376, 377-78; A Short Detail of the Conduct of the Collector of New York from December 1774 to March 1776 . . . , Andrew Elliot Papers, NYSL.


An unknown person or persons filed suit against the Collector in 1775 but the closing of the courts blocked the action. A Short Detail . . . of the Collector . . . , Andrew Elliot Papers, NYSL.
They dispatched the express to Philadelphia with the news, ordered the unloading of two sloops with provisions for the British troops in Boston, sent after a ship that was in motion down the harbor for the same destination, prepared a broadside containing the advices from Boston, and notified the citizenry of a public meeting in the fields at 2 P.M., Monday, the following day. The Committee of Sixty gained control of the situation, but the tremendous upsurge of hostility to the British ministry caused many of the committee to reassess their position.

The outpouring of the people on April 24 played a part in the shift of the committee from the enforcement of a boycott to the usurpation of authority. An estimated 8,000 of the city's population responded to the call for a meeting. The rally approved proposals to organize a militia, to draw up a new defense association (a draft of which the committee read), and to authorize the committee "with full & unlimited Power to consult upon and determine & direct the means" for the city's preservation. By voting unanimously for the last of these proposals the people had in fact created a revolutionary government for the city. The size and enthusiasm of the crowd and the policies approved may have aroused the committee to a realization of the need for a new approach.

---

16 Activist leaders had broken into the city's arsenal to secure arms but McDougall persuaded them to cease their distribution for a day. McDougall's notations, n.d., The Following interesting Advices were this Day received here, by two Vessels from Newport, and by an Express by Land, New York, April 23, 1775, Broadsides, NYPL; New York, New York City During the American Revolution. Being a Collection of Original Papers (Now First Published) from the Manuscripts in the Possession of the Mercantile Library Association of New York City (New York, 1861), pp. 54-55; Roger J. Champagne, "New York's Radicals and the Coming of Independence," Journal of American History, LI (June, 1964), 21-40; Roger J. Champagne, "New York Politics and Independence, 1776," New-York Historical Society Quarterly, XLVI (July, 1962), 281-305. For a contrary view of these and the subsequent events, see Becker, The History of Political Parties, pp. 193-99.

17 Pa. Jour., April 26, 1775; McDougall's notations, Following interesting Advices . . . by Land, April 23, 1775, Broadsides, NYPL. McDougall opposed the appointment of officers for the militia.
Division into Tory and Whig

The British conduct in Massachusetts was not only a shattering blow to many of the De Lanceys but also it was another one of those actions which diminished old party differences and tended to convert people into Whigs and Tories. Perhaps in response to the electric atmosphere as well as to personal indignation against the British many De Lanceys openly espoused defensive preparation and supported the tacit assumption of power in the city by the Committee of Sixty. 18 Within the Committee of Sixty these trends forced a realignment in which some Livingstons and the De Lanceys allied against other Livingstons. The coalition consisted of erstwhile opponents who wished to pursue a cautious opposition to the British ministry but who disagreed among themselves over the nature of their circumspect resistance. Basically there were among them many who would carry their hostility up to that point which in their minds led to rebellion and independence. When they thought this stage had arrived, they would submit to Great Britain. These men were conservatives. There were others who as a last resort reluctantly took up arms as the least objectionable of twin evils, submission or rebellion. These were the moderates. The minority who fought the conservative-moderate combine were the activists, men who would settle for nothing less than complete retreat by Britain, who would willingly embrace rebellion and independence. 19 These were the radicals. 20 Although this process of division was far from complete, it shaped the occurrences of April and May.

18 Judge Robert R. Livingston informed his wife on April 27, "the Tories turn Whigs so fast that they will soon be as much united as they are in the Massachusetts colony." William Smith observed on the same day that "all Parties here . . . cry out for committees and Congresses. . . ." Isaac N. P. Stokes, The Iconography of Manhattan Island (6 vols.; New York, 1915-1928), IV, 883; Sabine, Memoirs of William Smith, p. 222.

19 For different usage of the same terminology see Becker, The History of Political Parties, passim.

20 The touchstone which underlies the usage of these terms (conservative, moderate, radical) is the question of rebellion-independence. These words are not intended to denote general values, nor do they imply that each category is monolithic. For example, there are perhaps as many variants of
The Road to Independence

When the Committee of Sixty on April 26 recommended to the city its enlargement in function and numbers and the summoning of a provincial congress, the new political affinities quickly made themselves felt. Although the committee declared that it unanimously adopted these proposals, the unanimity rapidly dissolved in a conflict over the personnel of the projected city Committee of One Hundred and the city delegation to the Provincial Congress. Since the conservatives and moderates dominated the Sixty, they filled the nomination lists with men of similar stripe.21 There were

conservatism as there are conservatives and this qualification applies also to the other two categories. Obviously, some in one group are closer to persons in the adjacent classification than they are to others who bear their label. Moderate John Jay illustrates this point. His views of the imperial conflict in 1774-1775 were more nearly similar to those of conservative Isaac Low than they were to those of moderate Philip Livingston. Furthermore, there were many men whose opinions gradually changed, who were conservatives in 1774 but who were moderates in 1776. James Duane exemplifies this process of almost invisible transition, moving from condemnation of vigorous resistance in 1774-1775 to acceptance of independence. Since contemporaries did not consider themselves as being conservatives, radicals, and moderates, the preceding categorization is an artificial imposition of present ideology on the past. However, it serves the purpose of facilitating the grouping of people in relation to one issue in order to clarify their political differences.

21 A tentative analysis of the two slates suggests the existence of a quid pro quo by means of which the conservatives and moderates cemented their union. The ticket for the Committee of One Hundred contained forty-five known to be De Lanceys and thirteen others who perhaps were of that faction; of the remaining forty-two men, there were thirty-six Livingstons (including activists) and six possible Livingstons. The list of twenty candidates for the Provincial Congress is made up of nine known De Lanceys and one who perhaps was of the same persuasion; of the remaining ten men, nine were known Livingstons and one was possibly a Livingston. It seems that the De Lanceys traded an even division or a numerical majority of the congressional delegation for a majority of the city committee.

On the Provincial Congress ticket the following were Livingstons: L. Lispenard, I. Roosevelt, A. Brasher, A. McDougall, P.V.B. Livingston, J. M. Scott, T. Smith, J. Hallett, J. Van Cortlandt, and possibly David Clarkson.

Division into Tory and Whig

perhaps twenty radicals on the ticket for the One Hundred and three to six out of the twenty for the congressional deputation. Responding to criticisms of its nominations, the moderate-conservative group frankly explained that it sought to add "many of weight and consequence" in order to reduce opposition to committee measures. Some of the nominees, the coalition admitted, were "objects of distrust and suspicion" but Whigs ought not to exclude them unless they rejected the Whigs. Lastly, this broadside warned of "tumult, anarchy and confusion" if the populace did not elect an enlarged committee.

The moderate-conservatives' maneuvers put the radicals in a difficult position. On the one hand the radicals objected to many of the candidates but on the other hand the slates bore the official imprimatur of the Sixty, who had popular backing. If the radicals offered opposition nominations, in whose name could they be put up? The radicals resolved their dilemma by sponsoring a meeting Thursday afternoon, April 27, in the name of the Sons of Liberty; at that meeting they obtained approval of their own nominees for the Committee of One Hundred and the Provincial Congress.


22 The twenty radicals on the city committee slate were: P.V.B. Livingston, Sears, Randall, Lispenard, Broome, Hallett, Brasher, Lott, Duryee, Lewis, Mulligan, Bicker, Anthony, Goforth, Platt, Lasher, Scott, Van Zandt, Lamb, and Dunscomb. Of these men, there were a number whose views were not clear. McDougall, for example, began to move toward a center position.


Revival of the name of the Sons of Liberty seems to have had the objective of broadening the appeal of the radical ticket since merchants were prominent
the list of one hundred that the Sons of Liberty offered, only twenty-one differed from the moderate-conservative ticket, but these were substitutes for men who had not served on previous committees. On the Provincial Congress list, the radicals backed only eight of the Sixty's choice, substituting twelve of their own choosing.

Confronted with an opposing slate, the moderates and conservatives took to the press to justify their selection. Thus on Friday, the twenty-eighth, New Yorkers were reading the handbills both of the Sons of Liberty and of the Committee of Sixty which drew the lines of political strife. The Sixty had set Friday for the election, but apparently as a consequence of the opposition, their Friday broadside postponed the voting to Monday, May 1.

These political debates became even more complicated after the arrival of the Pennsylvania Journal on Friday. The newspaper contained an extract of a letter from London which stated that Oliver De Lancey, John Watts, Myles Cooper, Henry White, and Colden had requested the North government to dispatch troops to New York to regain control participants in the old organization. If the radicals offered their slate in the name of the Committee of Mechanics, they could hardly hope to attract many votes from the merchants.

25 The twenty-one substitutes were: T. Van Wyck, J. Woodward, John W. Smith, W. Keteltas, J. Pell, L. Van Ranst, P. Vandervoort, P. Clopper, J. Imlay, G. Abeel, P. P. Van Zandt, Capt. W. Heyer, T. Tucker, J. Le Roy, R. Deane, Capt. Nicholas Bogart, W. Bedlow, W. Post, I. Stoutenburgh, A. Marschalk, and P. Messier. Since it is likely that most of these men were radicals, the number of radicals on the Sons of Liberty ticket was between thirty and forty. If all of the twenty-one substitutes were Livingstons, the factional division of the radical slate was fifty-one Livingstons, forty-nine De Lanceys. Sons of Liberty, New York, April 28, 1775, Broadsides, NYPL.

26 The twelve substitutes were: G. W. Ludlow, P.V.B. Livingston, J. Broome, W. Bedlow, Sears, J. Woodward, Hugh Hughes, J. W. Smith, P. T. Curtenius, P. Vandervoort, S. Broome, and P. Clopper. Perhaps eight to thirteen of the twenty-man list were radicals. Thirteen of the slate are clearly Livingstons (Lispenard, Roosevelt, P.V.B. Livingston, J. and S. Broome, McDougall, Sears, T. Smith, Scott, H. Hughes, J. Van Cortlandt, Curtenius, and Van Zandt) and one (G. W. Ludlow) is clearly a De Lancey. The other six (D. Clarkson, W. Bedlow, J. Woodward, J. W. Smith, P. Vandervoort, and P. Clopper) are probably not De Lanceys but are assignable to both factions. Sons of Liberty, New York, April 28, 1775, Broadsides, NYPL.
Division into Tory and Whig

of the colony. A furious crowd gathered which threatened “to proceed to execute them immediately.” White and De Lancey did their utmost to assure the people of the falsity of the letter, but without notable success. So high did tempers rise that the Committee of Sixty summoned a meeting on that day in the fields with two of the accused in attendance. Denials from White and De Lancey and their pledge to swear out affidavits attesting their innocence satisfied the crowd and averted the threat of violence. The next day the Sixty promulgated the new form of association and De Lancey, White, and Watts produced the promised affidavits. The excitement over the association eased the tension and the Tories heard no more threats. 27

Publication of the new association by the Committee of Sixty dealt the radicals a shrewd political blow. The firm tone of the oath not only reassured the Whigs of the committee’s steadfastness but also demonstrated the adroitness of the conservatives and moderates. The moderates carried the election. The caution with which the new committee moved can be attributed to the natural prudence of the coalition. Although the committee contained a diversity of political views, to assert that it was an instrument of party rather than of a large proportion of the people is to ignore the foregoing events. 28

Impressive testimony of the minority position of the Tories in the city comes from the Tories themselves. 29 The gov-

27 Pa. Jour., April 26, 1775; Sabine, Memoirs of William Smith, p. 222. White went to the trouble of having his statement and affidavit printed as a broadside and distributed. To the Public by Henry White, New York, April 29, 1775, Broadsides, NYPL.

28 Becker sees this as a party measure; The History of Political Parties, p. 196.

29 However, McDougall had quite accurately predicted how the people would react in a crisis: “from the Knowledge I have of the State of this Colony, I am morally certain, they will not fly to Arms as a Colony; but by the Influence of one of these Contingencies Vizt: The Attack of the Troops on your People [i.e., Massachusetts] . . .” McDougall to W. Cooper, February 9, 1775, McDougall Papers, NYHS.
ernor's council, meeting Monday, April 24, to assess the situation, called in various officials to inform them on specific points. The councilors first considered turning to the militia, but Leonard Lispenard, commander of the city's regiment, said no aid would come from that quarter since the men counted themselves as Liberty Boys. The Major then remarked that the authority of the magistrates had vanished. Councilor Thomas Jones, nevertheless, advocated calling out the militia, reading the riot act, and imprisoning the ringleaders. William Smith, opposing Jones, argued that the government would have to deal with the general population and not just a few rioters. To this, Jones had no rebuttal. "We were thus unanimously of Opinion," Smith recorded in his memoirs, "that we had no power to do anything & the best mode of proceeding for private Safety and general Peace was to use Diswasion from Violence."  

Colden also confessed to the complete collapse of the government's authority. In his report to the Colonial Secretary, Colden attributed the lack of popular support for the government to the magistrates' timidity and the depletion of the garrison. A month later, however, he declared that government authority would have withstood the storm if the garrison had been at its normal strength.  

Captain Montague of the King's Fisher wrote with something akin to astonishment that "the major part of the people here are almost in a state of rebellion ...." One of the numerous letters from New York printed in a London newspaper commented that "in this city it is astonishing to find the most violent

---

30 Sabine, Memoirs of William Smith, p. 221; Jones, History of New York During the Revolutionary War, I, 41; Fernow, "Calendar of Council Minutes," p. 505.

31 Colden to Dartmouth, May 3, June 7, 1775, O'Callaghan, Documents, Colonial, New York, VIII, 571, 582; Colden to Captain Vandeput, May 27, 1775, Letterbooks of Cadwallader Colden, II, 413.

32 Montague to Admiral Graves, April 26, 1775, Cal. H. O. Papers, p. 358. See also the comment of a post office official, Hugh Finlay to his brother, May 29, 1775, ibid., p. 366.
Division into Tory and Whig

proposals meeting with universal approbation." Merchant James Richardson explained the latest developments to his business correspondent in London with these words: "Friends of government in this city in danger and business suspended; port now re-opened and the whole city entered into an association to abide the measures recommended by the next Congress. All unanimous for the American cause."

Even a fully manned garrison might have had difficulty in maintaining the government, particularly in view of the revolutionaries' relations with the soldiers. The Whigs effectively utilized the press to appeal to the soldiery to desert and join the cause of liberty. Although only four men deserted from May 1 to May 23, in the next three days four more went over to the rebels. Major Isaac Hamilton expressed to Colden his fear of losing the whole garrison. Ten days later Hamilton confessed to Colden that his position was untenable: "The Loss of our Men by Desertion is so great, and [due to] the Apprehension of losing more, I therefore think it necessary for the good of the Service to retreat on Board his Majesty's Ship the Asia..." The British withdrew the troops, about 100 in all, to the Asia on June 6. The retreat, therefore, did not constitute a peaceful gesture to avoid an armed clash between the soldiers and citizenry.

The same month, June, which saw the garrison's evacuation, also witnessed another incident of some significance.

34 Richardson to Alexander Gordon, May 4, 1775, Hist. Mss. Com., p. 299. For a similar comment see Smith Ramadge to Johnston and Canning, May 3, 1775, ibid., p. 298.
As noted above, Tryon returned from England on the same day Washington reached the city on his way to Massachusetts. Not wishing to offend either party, the Provincial Congress detailed militia escorts for both. Ostensibly, the same people who greeted the General enthusiastically in the afternoon "huzzaed for Tryon in the evening." Smith clarified this apparently contradictory action when he put it down as a personal tribute to the Governor rather than a manifestation of attachment to the crown. The citizens "hate his commission," Smith recorded in his notes, "& would certainly have insulted any other in that station." 36

Demographic statistics contribute a final bit of evidence to this examination of the city's political sympathies. Although population statistics for 1776 are only estimates, they do give some clue to the political temper of the people. Driven by fear of the cannon's thunder, thousands of the inhabitants streamed out of the city. Some of them returned after the danger had seemed to abate, but by February, 1776, perhaps 11,000 had settled elsewhere. 37 When news of the impending descent of the British spread through the streets, a wholesale evacuation of the populace got under way, leaving approximately 5,000 behind. After the fighting had halted in the environs, the tide of migration reversed itself. Of the esti-

36 Smith says that an "immense crowd" gave Tryon a warm sendoff when he sailed in April, 1774. Smith, Memoirs, V, April 7, 1774. Becker, The History of Political Parties, p. 218; Smith, Memoirs, V, June 25, 1775.
37 William Axtel, council member, placed the remaining population at 16,000. Smith, Memoirs, V, February 11, 1776.

Calculations of the city's population in 1776 have used the rate of increase between the censuses of 1756 and 1771 as their basis. Their estimates ranged from 22,000 to 25,000 people, white and Negro. However, this study has employed a figure of 25,000 whites and 2,000 Negroes which in turn derived from an estimated state total of 208,000 whites. Since the port maintained a fairly constant ratio of ca. 12 percent of the total population of 1756 and 1771, this ratio has been applied to the calculation of total white population. For the computation of the total white population, see below, pp. 92-93. Evarts B. Greene and Virginia D. Harrington, American Population Before the Federal Census of 1790 (New York, 1932), p. 91; Carl Bridenbaugh, Cities in Revolt: Urban Life in America, 1743-1776 (New York, 1955), p. 216.
Division into Tory and Whig

mated 22,000 who had fled, some 4,000 made their way back through the British lines into the city. General Robertson calculated the city's inhabitants in February, 1777, at 11,000, but this figure probably included loyalists from upstate and other states as well as a number of slaves who thought to find freedom with the British. Far from remaining overwhelmingly loyal, considerably more than half of New York City's residents opposed the crown.

To argue that the capital was a center of revolutionary activity is not to conclude that a majority of the province chose independence rather than British dominion. As in the case of the city there are no election returns to demonstrate how many supported the revolutionary cause and how many opposed it throughout the colony. Expressions of Tory opinion and indirect evidence, however, corroborate the existence of a Whig majority.

As the year 1774 drew to a close the government faced the unpleasant fact that the Whigs would move to have the colony nominate representatives to attend the Second Continental Congress. If the provincial assembly met, it would take into consideration the resolutions of the First Congress and the choice of a delegation to the Second. If the governor prorogued the assembly, the Whigs would win by default. The government, therefore, had no alternative but to permit

---


39 An undated, unidentified sheet in the Andrew Elliot Papers contains what seems to be a census return for perhaps 1779 or 1780 which approximates Robertson's statement. The city contained 4,686 white males and 5,771 white females, none of whom were under fourteen years of age, and 1,951 Negroes: the total was 12,408. Elliot Papers, NYSL; Barck, *New York City*, p. 77; Wertenbaker, *Father Knickerbocker Rebels*, p. 103; Flick, *History of New York*, III, 346; Jones, *History of New York During the Revolutionary War*, I, 322-23.

the assembly to meet and to seek to win through parliamentary maneuver. Although the issue hung in the balance, the De Lancey party leaders regarded the prospect with foreboding, while the Whigs maintained an optimistic outlook. At a private conference summoned to devise strategy, leading Tories first discussed whether they should block assembly approval of the acts of Congress. Tactics of this sort, however, would lay the government open to a charge of arbitrary conduct. Convinced that they could muster only 11 votes to the Whigs' 14 on the question of congressional endorsement, the Tories prepared to concede to the Whigs on another question in order to detach votes from the opposition. They would move for a petition to the King for a redress of grievances. "The Generality [was] for this Measure as the only Scheme to prevent voting in Favor of the Congress." If the government could win this test, they could go on to defeat a motion to choose delegates to the Second Congress. It is an instructive comment on the state of opinion in the colony that a De Lancey assembly elected by a limited suffrage should be expected to take a stand in opposition to the crown.

At this critical juncture of affairs Colden decided to take

41 For a differing interpretation, see Becker, The History of Political Parties, pp. 174-75. The radicals did have a keen interest in the assembly's action. Sabine, Memoirs of William Smith, p. 208; McDougall to Samuel Adams, January 29, 1775, same to W. Cooper, February 9, 1775, McDougall Papers, NYHS.

42 It is curious that party leader James De Lancey opposed the proposal to make the petition to the King the first order of business, although he approved the petition. Moving the petition immediately would prepare the ground for defeating the Whigs. Sabine, Memoirs of William Smith, p. 208. Merrill Jensen, The Articles of Confederation (Madison, 1940), p. 76, cites the assembly's disapproval of the Congress as evidence of strong opposition to the Congress.

43 Even though the Tories moved the petitions to King and Parliament, the drafts produced in committee proved to be too forceful for their taste. The Whigs charged the Tories with withholding emasculating amendments until some Whig members had left the session to return home. The subsequent addresses, they asserted, differed materially from the drafts approved in committee. McDougall to Josiah Quincy, April 16, 1775, McDougall Papers, NYHS; Becker, The History of Political Parties, p. 177.

For the assembly votes, see above, p. 52.
Division into Tory and Whig

an aggressive tone in his message to the legislature and drew up a strong, provocative address in which he condemned the Continental Congress and insisted upon the supremacy of the royal prerogative. After receiving persistent criticism from the council, Colden modified the draft, but Smith said it shocked the assembly nevertheless. This incident points up Colden's willingness to act boldly, but Smith's memoirs make clear the complexity of the interplay between council and governor. A governor could not cavalierly disregard the council's advice. Colden's and the council's failure to act decisively on various occasions reflected more an acknowledgment of their lack of power with which to execute firm policies than personal timidity.44

In the middle of March, 1775, instructions from Dartmouth came to hand directing Colden to prohibit the province from sending delegates to the Second Continental Congress. Since the assembly had voted against doing so, the Whigs set out to call a provincial convention to choose the continental deputies. In fact, the Whigs had scheduled an election for March 15 to approve the convening of the convention. Two days prior to this election, Colden met with the council to consider the Colonial Secretary's orders. Although normal procedure entailed the issuance of a proclamation conveying the Secretary's instructions, neither Colden nor the council relished the idea. "All agreed that it would excite the People to be more zealous for Delegates." At Smith's suggestion they determined to have Colden show the letter to the assembly and to inform others that a congress displeased the King and that Dartmouth had forbidden it.45 Although the Friends of Government had exulted only recently over their victory on this question in the assembly, they watched it turn into a paper triumph. So little effect

The Road to Independence

did Dartmouth's letter have on colonial opinion that the government did not dare to take the next logical step and forbid the assumed minority to select representatives for the Continental Congress.

When Tryon resumed the reins of government in June, 1775, he perceived he could do little directly to reestablish British authority. As he disclosed to the Colonial Secretary, “to attempt coercive measures by the civil aid would hold up government to additional contempt by the exposure of the weakness of the executive and civil branches...” Moreover, he added, even the provincial legislature would not accept the parliamentary measure for conciliation.⁴⁶ By October the Governor seemed to have relinquished hope that Tory sentiment could ever again command a majority in New York; he read and approved a letter from William Smith to General Frederick Haldimand which quite frankly outlined the political atmosphere: “There is no more Hope from Intrigue & Diversity of Sentiment, no further Dependance upon antient Prejudice and Habits. The Americans are voluntary Subjects to Congresses and Armies of their own forming, who are systematically supporting a Principle, which no man dare any longer to controvert on this Side of the Water.”⁴⁷

⁴⁶ Tryon to Dartmouth, July 4, 7, 1775, O'Callaghan, Documents, Colonial, New York, VIII, 589, 593; same to same, December 7, 1775, Hist. Mss. Com., p. 402.

The fact that the Governor with council concurrence refused to let the assembly meet during 1775 implies admission of the government's minority position.

⁴⁷ Smith, Memoirs, V, October 6, 1775. Smith declined a seat on the bench in December, 1775, because he considered the administration “a falling house.” Ibid., December 19, 1775.

A correspondent of émigré Isaac Wilkins made the following interesting observation on political polarization: “The people of desperate fortunes, and those who are sure to swing for what they have done, are as violent as ever, as are most of the ignorant, who are led by the others, but those of prosperity are afraid of their estates, and are coming about fast.” V. Pearse Ashfield to Wilkins, November 4, 1775, Cal. H. O. Papers, p. 482. For other comments on Tory weakness see Hugh Finlay to his brother, May 29, 1775, John De Lancey to Oliver De Lancey, Jr., October 3, 1775, same to Ralph Izard, October 5, 1775, ibid., pp. 366, 439, 443.
Division into Tory and Whig

The employment of troops to suppress the Whigs in the province received extensive consideration by local officials, but Colden warned the ministry to dispatch a large enough number “as might deter any Opposition to them.” When the military proposed to march troops through New York to recapture Ticonderoga from the Allens, the Lieutenant-Governor advised Gage that “the Spirit and Phrensey of the People is such that it may be questioned whether one Regt could now prudently venture thro’ the Country.” Tryon’s estimate of the number of soldiers necessary to pacify the colony furnished a further clue to the state of political sympathies. He thought that more than 6,000 regulars aided by three or four regiments of loyalists would have to be utilized.

Although the Whigs had taken the initiative in evolving suitable forms to oppose the policies of the home government, the Tories had not countered effectively. In the contest for men’s loyalties the Tories did not manage to set up an active organization that could command a numerous following. When the occasion demanded it, they engaged the


By August, 1775, both Gage and Dartmouth thought New York lost to the government as a consequence of the Tories’ minority position. Gage to Dartmouth, August 20, 1775, Dartmouth to Gage, August 2, 1775, Carter, Correspondence of General Gage, I, 413-14, II, 205.

49 Tryon to Dartmouth, August 7, 1775, O’Callaghan, Documents, Colonial, New York, VIII, 598. See also John Weatherhead to Charles Williams, July 5, 1775, Hist. Mss. Com., p. 327.

The North government ordered four regiments, ca. 2,800 men, to New York, but Gage intercepted the ships and diverted them to Boston. Vandépaut to Colden, June 1, 1775, Letters and Papers of Cadwallader Colden, VII, 299; Gage to Lord Barrington, June 6, 1775, Carter, Correspondence of General Gage, II, 682; Smith, Memoirs, V, June 28, 1775.

50 Becker argues: “In defining their position the loyalists were strong; it was in giving practical effect to their views that they were weak. They never had any party organization worthy of the name, and in the nature of the case it was difficult for them to have one. Their position was essentially one of negation: they denied the authority of Congress; they denied the expedience of non-intercourse; their organization was the English government itself, and upon it they relied to do whatever was necessary. To attempt to suppress the extra-legal committees by force would involve the very illegal methods
dissidents vigorously in several spheres of battle. They raked the Whigs heavily in the newspapers and in pamphlets; they battered them in the assembly. They obstructed the formation of local and county committees; they voted against holding a provincial convention.\(^{51}\) They fought against the selection of delegates to the Continental Congress and opposed the enforcement of the Continental Association and the Defense Association. They stood for the established order of things and obedience to the law.\(^{52}\) When words and ballots seemed inadequate, the Tories did not hesitate to try suppression.\(^{53}\)

Reverend Samuel Seabury participated in this phase of the contest. In a pamphlet directed to the colonial assembly, he called upon the legislature to denounce the Continental Congress and the Continental Association and to refuse to cooperate further with the other colonies. Majority approval of this policy, he declared, would be forthcoming from the people when the assembly delivered them from the tyranny of committees, from the fear of violence and the dread of mobs. However, he gave no hint how the assembly could


\(^{52}\) A protest in Orange County against signing the Defense Association presents an interesting commentary on the extent to which the debate over political rights had spread through the countryside. Thirty-two recalcitrants drew up a substitute statement in which they reaffirmed their loyalty to the King but protested their love of liberty, "disallowing taxation in any wise contrary to the Charter, and shall never consent to taxation without being fully represented with out consent." See also a similar espousal of no taxation without representation by a district committee in Tryon County in 1774. *Cal. Hist. Mss.*, I, 9; Frey, *The Minute Book*, p. 1.

\(^{53}\) See above, pp. 65-69, 81-82, the ship *James* incident in February, Dartmouth's order of March re delegates to the Congress, the arrest of Sears in April, and the actions of the Johnsons in May. Set on foot by Dr. Myles Cooper, a move began in March to ban a Whig meeting in the city, but government leaders seem to have divided on the proposal and did nothing. *To the Freemen and Freeholders of . . . New York*, September 23, 1775, by "The Remembrancer," Broadsides, NYPL; Sabine, *Memoirs of William Smith*, p. 211.
Division into Tory and Whig

accomplish these objectives. A statute forbidding committees would have entailed the use of force to suppress them. Perhaps Seabury intended this, since he pleaded with the legislature to “break up this horrid combination of seditious men.”

These events do not disprove, however, the contention that the Tories by the very nature of their position did not need nor could not have had an extensive party structure. The conduct of the Friends of Government in other circumstances will demonstrate whether they did try to rally the people to their side.

When the Whigs plunged into the task of obtaining local approval of the Continental Association in the first months of 1775, they stirred the Tories into brisk opposition. In some districts the adversaries drew up loyalist declarations, in others they signed counterassociations. The latter usually contained a pledge to assist the magistrates in the execution of the law. Under the leadership of the Johnsons and Butlers, the grand jury and magistrates of the Tryon County Court of Quarter Sessions published a loyalist declaration. Shortly thereafter, in early May, the Palatine District committee denounced the declaration as unrepresentative of the county. The loyalist associations marked a new phase in Tory tactics, the attempted formation of a popular bulwark.

The Tories seem to have concentrated their efforts in Westchester and Dutchess counties, but after three months they claimed a maximum of only 600 signatures to their association in Dutchess County. The lack of spirited response and Whig countermeasures apparently stalled the drive and the Friends of Government never revived it. A similar fate

56 Frey, The Minute Book, pp. 4-5.
The Road to Independence

overtook the Westchester campaign. Their rebuff is all the more surprising, since the county’s greatest manorholder, Frederick Philipse, played a leading part among the Tories. On the other hand, Pierre Van Cortlandt of Cortlandt Manor aligned himself with the Whigs. “An Inhabitant” of this manor happily informed the public that “some lovers of Loyalty and Liberty” had “disconcerted” the loyalist association drive there. Thus the Tory association movement lost momentum and died.

If the Tory measures to build a popular base did not succeed, neither did the Whigs, according to some writers, attain that objective. Two key tests supply the criteria for the latter judgment: the election in April, 1775, for the provincial convention and the election in May, 1775, for the First Provincial Congress. Unfortunately, the surviving fragmentary evidence of participation in the balloting renders any conclusions tentative ones. However, a reexamination of certain contests suggests that the Whig influence predominated, although previous studies have given the primacy to the Tories.

The cases in point in the provincial convention elections are Dutchess and Westchester counties. After the election in Dutchess, the Tories attacked the victorious Whig delegates as representatives of a minority. An anonymous correspondent set down the Tory estimate of the county’s sentiment, but gave figures for only one of the eleven Dutchess precincts. He said that the Poughkeepsie precinct balloted 110 to 77 against sending delegates, that a “great majority” in Charlotte precinct voted similarly, that in five other precincts the

57 “One of the Associators of Dutchess County,” Riv. Gaz., March 30, 1775. The Tories circulated their association among all male inhabitants, not simply the freeholders. According to the 1771 census the county had 21,000 whites.


59 Becker, The History of Political Parties, pp. 187-91; Dawson, Westchester County, passim.
Division into Tory and Whig people “almost unanimously opposed” the convention. These supporters of royal administration approved a “Protest” against holding a provincial convention and denied that the remaining four precincts, which had voted Whig, spoke for the county. The writer of this letter felt so confident of his case that he offered to produce proof: “If any of the Minority entertain the least Doubt that the Protest does not express the Sense of the Precincts therein mentioned, formal and ample Testimonies of its Authenticity shall be sent you.” “A Freeholder of Dutchess County” retorted that the Tories never read the “Protest” publicly, nor did any one of the seven precincts approve it before it appeared in print. Furthermore, this Whig “Freeholder,” maintaining that 1,200 of the 1,800 county freeholders favored a provincial convention, challenged the Friends of Government to print their list of names with precincts appended in order to prevent fraud. After a two-week pause a Tory rejoinder appeared, declining further disputation on the grounds that “every Altercation that may tend to promote Divisions and Animosities ought carefully to be avoided; and . . . a Coalition of Parties in the County of Dutchess will probably very soon take place, and a proper Union between its Inhabitants established. . . .” It is possible that the Whigs did not have enough time to organize their support throughout the county but, even so, the Tories seemed to have strength with which to counter only in Charlotte and Poughkeepsie. However, the news of the fighting at Lexington may have dissipated the previous indifference and deprived the Tories of much of their popularity. Therefore, the Tories declined to produce proof of their strength.60

As it did in Dutchess, a sharp skirmish developed in Westchester over participation in the provincial convention. When the Whigs circulated an appeal to the freeholders to

---

60 N.Y.G., April 24, May 1, 15, 1775.
meet at White Plains to select a county representation, the Tories rallied their adherents, freeholder and nonfreeholder alike, to oppose them. "A White Oak," writing in *Rivington's Gazetteer*, pressed the Tories "to give your votes" against the convention. Led by Colonel Frederick Philipse, Assemblyman Isaac Wilkins, and Reverend Samuel Seabury, some 250 gathered at White Plains on the appointed day to cast their ballots. Although the two opposing factions comprised approximately an equal number, an important difference existed between them. The Whigs seemed to be freeholders, a fact which the Tories never disputed, whereas almost 50 percent of the opposition fell into the nonfreeholding class. Consequently, half the Tory votes would be challenged and the Whigs would carry the day. Possibly this is the explanation of the Tory withdrawal from the meeting without voting.

The importance of the White Plains incident lies in the determination of the representative character of the two parties. The evidence, however, is inconclusive. Since the Whigs claimed freeholds, it is possible they represented a larger section of the county population than the Tories. On the other hand, a comparison of the list of Philipsburg Manor occupants with the signers of the loyalist statement shows that Philipse tenants constituted about one-third of the group that accompanied the Colonel to White Plains. In an attempt to recoup the loss at the county courthouse, an anonymous writer, perhaps Wilkins or Seabury, alleged that two-thirds of the county disapproved the provincial convention and promised to prove it with the publication of certain resolves then signing. However, the Friends of Government did not fulfill this promise.

---

61 Since the Whigs expected the Tories to challenge nonfreehold voters, they had not sought to mobilize these lessees at will and, therefore, Whig strength was potentially much greater than the number present at White Plains.

62 "A White Oak," *Riv. Gaz.*, April 6, 1775; Lewis Morris to the Printer,
Division into Tory and Whig

The chief point of interest in the First New York Provincial Congress election is the contention that in at least five of the counties only a small minority participated in the voting. In two of these, however, Tryon and Dutchess, there are indications to the contrary. Tory influence in Tryon seems to have centered in Mohawk District, the Johnson bailiwick, but the Whigs dominated the other four districts. The key factor lay in the tardy organization of the county committee. The Palatine District Committee notified the Albany County Committee of Correspondence on May 19, 1775, that it could not hold an election early enough to be in time for the congressional meeting. Nevertheless, the committee assured Albany, a majority of the county were Whigs. Five days later thirty delegates from all districts, except Mohawk, met to form a county committee. Despite threats by the Johnsons, the Mohawk people chose four persons to represent them on the county committee. When the Johnsons threatened to imprison some of the Whig leaders, the county committee resolved to use force to free them unless the Tories abided by legal procedures. Undeterred by the Johnsons' armed tenantry, the Whigs could report by June 2 that all districts had met to sign the congressional association and had completed the choice of full delegations to serve on the county committee. In response to the urgent letters of May 31 and June 3 from the First New York Provincial Congress, the committee voted promptly to delegate two members to represent Tryon County in that body. With this action Judge Robert R. Livingston could

April 11, Anonymous, Westchester County, April 13, Lewis Morris to the Printer, May 7, 1775, N.Y.G., April 17, May 15, 1775; Memorial of Samuel Seabury, Philipsburg Rent Roll, in American Loyalists, Transcripts of the Manuscript Books and Papers of the Commission of Enquiry into the Losses and Services of the American Loyalists . . ., XLI, 562, 581-92, NYPL; M. K. Couzens, Index of Grantees of Lands Sold by the Commissioners of Forfeitures of the Southern District of the State of New York Situate in the Manor of Philipsburg, Westchester County, New York (Yonkers, 1880), passim.
63 Becker, The History of Political Parties, p. 201.
advise his son that "the Whigs are predominated at last in Tryon. . . ." 64

In Dutchess the postelection conflict over the provincial convention still roiled the waters when the New York city committee's circular, soliciting a provincial congress, reached the inhabitants in early May. The Whigs campaigned energetically to establish committees in every precinct and to have the citizenry sign the association. The Tories fought back vigorously, but the tide ran against them. In mid-June the Whigs said with assurance that "Committees either have or will be chosen in every part of Dutchess. . . ." Considered in the context of this activity, the election of delegates to the Provincial Congress would seem likely to have aroused more than a minority of the freeholders to participate. 65

The clash of arms in the spring of 1775 sharpened the tensions in the colony and the subsequent deepening of hostility to the administration turned the Tories from words to guns. Shortly before Lexington and Concord, Dartmouth approved a plan to raise an armed loyalist association from the Highlanders of New York to oppose all illegal combinations and insurrections and to give the utmost aid in suppressing all such practices as were contrary to the law and to the King's authority. The project seems to have contemplated the settlement of associators on a strategically located tract of land in the province, awarding to each family head who took the oath of association 100 acres free of quitrents for five years. Although Dartmouth had commended Colden to secrecy, Gage reemphasized the necessity of stealth, "for the Friends of Government appear everywhere to be so subdued, as not to admit of its being done openly." When the association's sponsor, Colonel Allen Maclean, reached

64 Ibid., pp. 202-3; Frey, The Minute Book, pp. 9, 12-19; Judge Robert R. Livingston to Robert R. Livingston, Jr., June 17, 1775, Livingston, Revolutionary Letters of Importance, No. 46.
New York, the omnipresent hostility to the government sent him rushing off to Boston to confer with Gage. Apparently fearful of arousing the Whigs' anger, he dropped the association scheme, but made his way cautiously to Johnstown. There he arranged with Sir John Johnson to recruit Highlanders for him from among his tenantry and to dispatch them to Montreal where he intended to organize a regiment.66 Toward the close of the year, Sir John Johnson also undertook the formation of a battalion of his own, but, he wrote to Tryon, "we must however not think of stirring till we have a support. . . ." That support never came, however, even though Johnson raised 500 to 600 men. Schuyler disarmed them in January, 1776.67 If the Tories had the numerous adherents claimed for them, Tryon and Maclean would have succeeded in founding the loyalist association.

The last link in the chain of evidence relating to the division of political loyalties is military service in the respective armies. There can be no more severe test of political beliefs than to call upon the people to defend them with their lives. That the people did so is a gauge of the profundity of their attachment.68 Determination of the numbers

---


67 Sir John Johnson to Tryon, n.d., Tryon to Dartmouth, January 5, February 7, 1776, O'Callaghan, Documents, Colonial, New York, VIII, 651, 663.

Tryon directed his energies toward the military organization of the Queens County Tories, an act which provoked the Provincial Congress to request troops from the Continental Congress. The Tories published a declaration, averring that they were arming for self-defense only. New Jersey troops disarmed about 600 in January. Becker, The History of Political Parties, pp. 238, 244-45; Queens County, December 6, 1775, Broadsides, NYPL.

68 A rebuttal to this argument is that many Tories, confronted with the alternatives of fleeing and surrendering lands or leases or serving in Whig militia, chose to endure militia service. Their duty with their units did not
who served, however, is a very difficult task. The investigator is beset by obstacles of many kinds, some of which are insoluble for the present. For example, the American lists of soldiers do not distinguish men who enlisted as paid substitutes, deserted, and then reenlisted for someone else. Nor is it possible to tell how many fictitious names are in muster rolls, nor how many names there are of those who deserted at a propitious moment to join the British.

Since available military statistics are incomplete and even conflicting, one method of evaluating them is a comparison with population figures. The Continental Army drew 19,793 New Yorkers into the regiments of the line, the levies, and the privateers. Another 23,852 served in the militia and an additional 8,327 prepared for duty, but the termination of the war spared them. The total is 51,972. Furthermore, fragmentary documents suggest that this figure is incomplete, that units existed whose records have disappeared. Ap-

make these men Whigs. However, one might compare this hypothesis with the case of American prisoners on the British prison hulks. In the face of an extremely high mortality rate large numbers of prisoners refused to take advantage of a British offer of freedom in return for enlistment in His Majesty's forces. In the one case land was hypothetically more important than political principle, in the other life itself was less important than political belief. One might also ask why pseudo-Whig militia who fell into British hands did not promptly disavow the Revolution and enlist in the royal forces. See below, pp. 94-96. Richard B. Morris, "Class Struggle and the American Revolution," William and Mary Quarterly, 3rd ser., XIX (January, 1962) 15. Inspiration for the preceding viewpoint seems to come from contemporary Whig comments relative to Tory strength in Dutchess County. If the statements of some Whigs on this matter were accepted at face value, posterity would have wondered whether there were any Whigs in the state. Although the tendency to see Tories behind every tree often stemmed from defeatism and fright, there were other reasons for the phenomenon. Whig leaders not only sometimes identified criticism and complaint with disloyalty but they also considered the grumblings of the tenantry as toryism. Staughton Lynd, Anti-Federalism in Dutchess County New York: A Study of Democracy and Class Conflict in the Revolutionary Era (Chicago, 1962), pp. 59-61; George Dangerfield, Chancellor Robert R. Livingston of New York, 1746-1813 (New York, 1960), pp. 60, 81; Nelson, The American Tory, p. 101. For other examples of Whig fears of Tories, see Jour. Prov. Cong., I, 606, 687, 700, 919, 1039; Force, American Archives, 4th ser., I, 355, III, 458, VI, 1415, 1442; Cal. Hist. Mss., I, 525.
Division into Tory and Whig

proximately 23,500 fought for the British, of whom 15,000 were in the army and navy and 8,500 in the loyalist militia.70 Thus the total number of men under arms is 75,472. Herein lies a contradiction. The sixteen to sixty age group supplied the pool from which the armies drew their recruits.71 According to the censuses of 1756, 1771, and 1786, this bracket comprised 23.8 percent, 25 percent, and 24 percent respectively of the total white population.72 Therefore, if 75,472 men bore arms, and if 25 percent was the age-bracket percentage, the total white population must have been at least 301,888. Since the 1771 census counted only 148,124 whites, it is highly improbable that the population could have doubled by 1783. Even if it is assumed that the rate of growth was the same for 1771-1776 as for 1756-1771, the total white population would have been only 169,148 and the military age group only 42,287. It is possible that the estimates of men in arms are erroneous and that the census understated the size of the population. Application of the 25 percent military age bracket to a suggested total white population of 208,000 would yield a pool of 52,000 fighting men.73

---


70 Flick, Loyalism, p. 112; Claude H. Van Tyne, The Loyalists in the American Revolution (New York, 1902), pp. 182-83. Van Tyne agrees with Flick's estimate, but an analysis of some of the sources employed by Flick raises a question as to their reliability and their interpretation. The detailed presentation is in Flick, pp. 95-112. For the most part figures of troops are drawn from general statements and commissions to recruit specific numbers. Flick used very few unit records. The difficulties to which the use of this material can lead receive illustration in the Appendix, pp. 254-257.

71 In August, 1776, the Provincial Congress ordered all white males aged sixteen to fifty to enroll in the militia. Since the state was under almost incessant attack from 1776 to 1782, it is unlikely the government released the able bodied from militia duty after they reached the age of fifty. Jour. Prov. Cong., I, 566.

72 Greene and Harrington, American Population, pp. 101, 102, 104; Daily Advertiser, December 26, 1786.
The Road to Independence

Although the Continental Army compilations derive from an actual computation of names on payrolls and muster rolls, it is obvious that they are unreliable. On the other hand, the state of the evidence does not permit an accurate reevaluation.74

An analysis of loyalist statistics reveals much the same situation as that of the American. First, the total number of loyalists in arms from all colonies seems to be less than Flick thought. An early computation, which had the merit of drawing upon muster rolls, placed the overall figure at 15,000, although the author warned that he could not find some unit records.75 Troop returns by Howe and Clinton reveal that provincial forces from all colonies ranged from 3,000 to 8,200 in any one year, while those in Canada fluctuated around 2,400.76 A maximum of 25,000 would seem to

73 There are signs that there was a substantial immigration to New York. One contemporary assessment was that twenty-two vessels discharged immigrants between August, 1773, and August, 1774. Stokes, The Iconography of Manhattan Island, IV, 862. Estimates of the New York population in 1776 vary from 190,000 to 200,000, including slaves. Although the Continental Congress had accepted the latter figure, the former figure is an estimate based on the rate of increase between 1756 and 1771. Robert R. Livingston thought the total to be 190,000 in 1775. Greene and Harrington, American Population, pp. 7, 91; Livingston to de la Luzerne, April 24, 1787, Robert R. Livingston Collection, NYHS; U.S. Bureau of the Census, Historical Statistics of the United States, Colonial Times to 1957 (Washington, D.C., 1957), ser. Z 1-19.

If the greater validity of the American figures is granted, it would be necessary to reduce them drastically to tailor them to fit into a white population of 169,000. On the other hand, if the total white population is increased much beyond 208,000, the growth between 1771 and 1776 tends to become less credible.

74 Nevertheless, a very general approximation might be made on an arbitrary basis. Such an approximation might allow an error of 15,000 for all factors. Subtraction of this number from the American computation of 51,972 would leave 36,000. The loyalists on this basis would have 16,000.


be a reasonable appraisal of the total loyalist contribution. When assessed against this figure, it is highly improbable that New York's share is 23,000.\textsuperscript{77} Second, many New York units consisted of men from other colonies as well as from New York. For example, one battalion of De Lancey's brigade drew its recruits from Connecticut.\textsuperscript{78} Third, an unknown number joined the British army involuntarily. Howe himself admitted that his officers sought recruits among prisoners of war, offering such inducements as "pay, liberty

\textsuperscript{77} Flick thought that the New York total was about half of all loyalists in British units. Loyalism, p. 113; Smith, Loyalists and Redcoats, chap. v.


Not all loyalists came from the revolting thirteen colonies. Some had just arrived from Europe, some lived in Canada and Nova Scotia. Howe stated that a large number of his 3,609 provincials in May, 1778, were not Americans. There are indications that Scottish emigrants reached America only to be inducted into loyalist regiments. Sir William Howe, Narrative of Lieutenant-General Sir William Howe in a Committee of the House of Commons on 29 April, 1779 Relative to His Conduct During His Late Command of the King's Troops in North America: To Which are Added, Some Observations Upon a Pamphlet Entitled, Letters to a Nobleman (London, 1780), pp. 52-53; W. O. Raymond, "Roll of Officers of the British American or Loyalist Corps," New Brunswick Historical Society Collections, II (St. John, 1904), 225, 226; Const. Gaz., December 30, 1775.
The British employed another kind of inducement of which the Continental Congress took note. The American Board of War reported that the British commonly held new prisoners for three to five days without food, then tempted them to enlist in order to avoid starvation. There is profuse testimony of British compulsion, particularly among the prisoners aboard the prison hulks in New York harbor where thousands died. Lastly, contemporary correspondence indicates that some loyalists deserted from the British. Unfortunately no figures are available and the scope of the movement is indeterminate. For these reasons the calculations of New York loyalist soldiers are tentative until someone evaluates these factors accurately.

79 Howe, Narrative, p. 52. Since the King had declared the Americans rebels, they might be threatened with execution. Howe's statement on "pardon" implies that the British did so threaten the prisoners.


There is still another element in any consideration of Tory strength. If the loyalists counted such large numbers of supporters as they themselves so frequently maintained, why did they not rally to the British standard when Howe arrived? Howe, for example, described the energetic, but futile, efforts of De Lancey to bring his brigade to its authorized level of 1,500. Brigadier General De Lancey scoured not only the occupied counties, but also the American-held areas for volunteers. Despite these vigorous exertions, at the commencement of the 1777 campaign De Lancey's brigade numbered only 597 men. As a matter of fact, General Howe quickly perceived the fatal weakness of the Tories, for in September, 1776, he wrote to Lord George Germain from New York: "We must also have recruits from Europe, not finding the Americans disposed to serve with arms, notwithstanding the hopes held out to me upon my arrival at this port." 

Burgoyne put the loyalists to the acid test in 1777 and found them wanting. Some historians think he acquired a few thousand reinforcements from the Tories, but reliable statements place the number at 682 to 830. Burgoyne extensively solicited loyalist aid before marching south from Canada. The General sent agents into New York to collect provincials. When the campaign began he issued proclamations appealing to the loyalists to enlist and promising to support them if they rose against the Whigs. By August

83 Howe, Narrative, p. 52.
84 Stopford Mss., II, 41. For a contrary view see Smith, Loyalists and Redcoats, chap. iv, v.
85 Flick opines "several thousand," but Siebert reduced this to ca. 2,000. There is a difference in the official statement of the British lists, but Fortescue mentions the larger number, 830. The inconsistency of Siebert's estimate is his demonstration that the five loyalist units which had not surrendered with Burgoyne amounted to only 485 men in the winter of 1778-1779. Flick, Loyalism, p. 110; Siebert, Royal Society of Canada, Proceedings and Transactions, ser. 3, VII, 11, 14; Sir John W. Fortescue, A History of the British Army (14 vols.; New York, 1899-1930), III, 234n.; Jones, History of New York During the Revolutionary War, I, 678 (ed. notes on Burgoyne).
86 Siebert, Royal Society of Canada, Proceedings and Transactions, ser. 3,
Burgoyne became convinced of the minority status of the loyalists. In a communication to Germain, he complained: "The great bulk of the country is undoubtedly with the Congress, in principle and zeal; and their measures are executed with a secrecy and dispatch that are not to be equalled."  

Subjected by Parliament to examination on his defeat, Burgoyne was called upon to explain why he did not attempt a rapid advance to reach Albany. He retorted: "Would the Tories have risen? Why did they not rise round Albany and below it, at the time they found Mr. Gate's army increasing . . . ? Why did they not rise in that populous and as supposed well affected district, the German Flats at the time St. Leger was before Fort Stanwix? A critical insurrection from any one point of the compass within distance to create a diversion would probably have secured the success of the campaign." There can be no doubt that a rising of several thousand loyalists would have created a critical situation for the Americans.

A comparison of the loyalist reaction with the American at this time reveals the validity of Burgoyne's strictures. Governor Clinton advised Washington of the alacrity with which the militia responded to the mobilization order. 


87 Burgoyne to Germain, August 20, 1777, General John Burgoyne, A State of the Expedition from Canada as Laid Before the House of Commons (London, 1780), Appendix, xlvi.

88 Ibid., pp. 151-52. However, see Smith, Loyalists and Redcoats, pp. 50-59.

Sir Henry Clinton also complained of loyalist indifference: "It will not be out of place here to express my regret at seeing the incomplete state of the provincial corps. So many attempts to raise men have always totally failed of success, and some corps which at first promised to be of importance have remained notwithstanding in so very weak a state that there is little encouragement to undertake anything more in that line." Clinton to Germain, December, 1779, quoted in Wertenbaker, Father Knickerbocker Rebels, p. 227.

89 August 9, 1777, George Clinton, Public Papers of George Clinton, First Governor of New York (10 vols.; Albany, 1899-1914), II, 195-97.

90 Ibid., II, 323-25, 333, 334-35, 344, 347, also 402, 409, 411. Nickerson put
At the height of the campaign in September, Clinton related to Duane that New York had eleven militia regiments from the region south of Poughkeepsie and New Paltz on active duty and had dispatched to Gates every other regiment in the state except two in Tryon and one in Schoharie.90

The testimony of two other men strongly sustained the preceding evidence. Joseph Galloway, when questioned in Parliament, conceded that the New York loyalists could not defend themselves without the British army, even though the British might fully arm and organize them. General James Robertson, who had served in New York from 1765 to 1777, made a similar admission.91

Although the Tories possessed the advantage of an extensive governmental machinery, they lacked the capability of halting the burgeoning revolutionary sentiment and in 1775 went down to a series of political defeats throughout the colony. Tryon, Gage, and Dartmouth admitted the loss of royal control in New York as the consequence of the unpopularity of the government. Endeavors to form loyalist associations and to arm the friends of government proved fruitless in the long run. So long as the Tories constituted a minority of the populace, they had little chance of regaining a position of supremacy.92


A recent computation which is based on fragmentary militia records indicates the strength of the New York units at more than 2,000. Charles W. Snell, “Report on the Organization and Numbers of Gates’ Army, September 19, October 7, and October 17, 1777, Including an Appendix with Regimental Data and Notes,” pp. 18-19, 76-77, Files of the Saratoga National Historical Park.


FOUR

Crystallization of the Revolutionary Spirit

When the fall and winter of 1775-1776 had run their course, the Whig leaders possessed a double reason for congratulating themselves. Elections in November registered approval of the First Provincial Congress and eliminated some of its less vigorous men. And, military forces disarmed the menacing Tories in Queens, Richmond, and Tryon, who became more submissive to congressional authority. However, there were other circumstances that prevented the appearance of complacency among the Whigs.

Lowering transatlantic skies during these months induced growing anxiety among the Friends of Liberty. It was the season for harsh pronunciamentos from Whitehall as the ministry reacted vigorously to the dispatches from America. The first of these chilling advices, reaching New York in early November, was the royal proclamation of August, 1775, which pronounced the colonies to be in a state of rebellion and fulminated against the misleaders of His Majesty's subjects. Hardly had the shock of this information begun to subside when word came that George III had refused to receive the Olive Branch petition from the Continental Congress. January, 1776, brought copies of the royal speech to Parliament in October in which the King called for suppression of the rebellion by armed force. The
last of these ill tidings, arriving in February, was the Prohibitory Act, which declared a blockade of the colonies and ordered the impressment of colonial seamen from captured merchant vessels.\(^3\)

As the year 1776 opened, New York seemed about to become the scene of major military operations. Washington, worried over the slow progress of military preparations on the Hudson, commanded General Charles Lee to repair to New York City to fortify it. Lee marched into town just as General Henry Clinton sailed into port with three ships. A panic ensued; "away flew the women, children, goods and chattels."\(^4\) Although the inhabitants did not give credence to the statement, Clinton averred that he had no hostile intentions; his objective was the Carolinas. Meanwhile, there was widespread hardship and privation as thousands of people in the depth of winter sought shelter on Long Island and in Jersey.\(^5\) The departure of Clinton was simply a temporary reprieve because in March Washington, anticipating an assault by Sir William Howe, began the transfer of his army from Boston to New York.\(^6\)

Amid these alarms and the swelling martial turbulence the Second Provincial Congress, or its alternate, the Committee of Safety, ran out the remainder of its allotted life-

---

1 See below, p. 181.
2 See below, pp. 99, 131, 141, 198.
5 "The Fears of the Multitude made them forget the Mayor’s Message concerning the expected Ship & conceiving that they were betrayed Mr. Clinton & the Governor were calumniated as false Villains, Liars and Decievers—The River was full of Ice and the Cold intemperate and yet the Inhabitants flew into the Country with their Effects." William H. W. Sabine, ed., *Historical Memoirs from 16 March 1763 to 9 July 1776 of William Smith* (New York, 1956), p. 263.
span. Although the congressmen early in this session had designated April for elections to a third provincial assembly, they had not foreseen the circumstances in which the bal­loting would occur. Tory manipulations in local contests largely disappeared; those Tories who had hoped for an accommodation with Britain despaired and withdrew into passivity or armed opposition. The Continental Congress caused a stir when on April 6 it flung open the colonial ports to the ships of nations other than Great Britain. Upon receiving this intelligence, the New York Committee of Safety urgently summoned a meeting of the Provincial Congress for May 1 in order to execute the instructions of the Continental Congress in relation to trade. The conduct of the Second Provincial Congress from December, 1775, to May, 1776, rendered no satisfaction to men of a radical stamp like Isaac Sears. Indeed there were many far from the North River who looked askance at the Provincial Congress because they thought that body dragged its collective feet in the opposition to Britain.

Although opposition to the measures of the North ministry had proceeded on the premise that the Whigs could compel Great Britain to yield the desired reforms, the events of the latter half of 1775 and early 1776 made that premise more and more untenable. The increasing resort to muskets and cannon had a dispiriting effect upon the moderate and con­servative leaders in New York. Furthermore, the campaign against the imperial government posed a delicate internal problem for the revolutionary party. Slogans of no taxation without representation and demands for constitutional liber­ties had a dangerous potential in a province where the great landholders frequently manipulated their tenants' votes. Notwithstanding the caution of the great landholders, some of the revolutionary ferment seeped down to the tenantry,

expressing itself in pressure for more favorable land leases. Writing from Dutchess County, Henry B. Livingston conveyed the attitude of the aristocracy when he condemned the renters: "The Tenants here are Great Villains. Some of them are resolved to take advantage of the times and make their Landlords give them Leases forever..."[8]

The sharpening lines of conflict and the consequent Whig loss of vigor have given rise to the view that a loyalist reaction had set in.[9] This interpretation rests on several considerations: the delays in the election of deputies to the Second New York Provincial Congress and in the attendance of the members, and Tryon's maneuver to convene a new provincial assembly. However, there is another pertinent but overlooked fact: Whig timidity.

Vacillation appeared among the Whigs in consequence of events in July and August, 1775. In July the Continental Congress published its justification for taking up arms and virtually rejected Lord North's conciliatory motion. Immediately thereafter word came from Britain that both the King and Parliament had rejected the New York provincial assembly's conciliatory overture. After the engagement occurred in Massachusetts and units of the Continental Army gathered at Albany for an invasion of Canada, the prospect of peace receded visibly. The practical meaning of these occurrences came home literally with the crash of cannon when the warship Asia in New York Harbor clashed with a party removing cannon from the fort on the night of August 23. Fear of the cannonading set in motion a general exodus of the population that continued in sporadic fashion until the practical evacuation of the city in June, 1776. Haunted by their fear of loss of life and property, many Whig leaders became visibly less belligerent when Tryon and the Tories

---

reminded them of the possibility of a general bombardment of the city.

In fact, some radicals had anticipated such an eventuality back in July and had proposed the seizure of the Governor as hostage for the good behavior of the ships. The plan did have much to commend it. It would have spared the people. It would have mitigated the growing fear within the Provincial Congress and reduced the spread of confusion among the general populace. It might very well have put a halt to the arming of the Tories on Long Island. However, seizing the King's personal representative would have put New York in the same position as Massachusetts and placed the members of its congress in the same category as the Adamses and Hancock. The plan had its inception when Isaac Sears returned to the city from a visit to the Continental Congress and conferred with General Philip Schuyler. Schuyler, characterizing the idea as "rash" and "unjustifiable," argued that the Continental Congress would disapprove. Sears replied that he had discussed the proposal with a number of the continental delegates, who had approved it. Only when Schuyler stated that he had written orders from General Washington against it did Sears reluctantly agree to drop the matter. Schuyler hastened to inform Councilor William Smith of the affair and to assure him that he supported the "Magistracy in all cases but where they opposed the Common Defence." The General, while refusing Smith permission to warn the Governor, did have the Councilor draw up a proclamation for the protection of Tryon. Schuyler incorporated it in a letter of orders to General Wooster, commander of the Connecticut detachment in the city.

---

10 Tryon transmitted at this time lists of names of Whigs and Tories to Dartmouth. Tryon to Dartmouth, January 5, 1776, Edmund B. O'Callaghan, ed., Documents Relative to the Colonial History of the State of New York (15 vols.; Albany, 1856), VIII, 651.

The Governor essayed a psychological maneuver in order to heighten the tension that the Asia incident aroused. It is likely that the Provincial Congress, temporarily handing over power to a Committee of Safety on September 2, was partly responding to the previous week’s cannonade.\textsuperscript{12}

Tryon discomfited the Whigs when he arranged to have Mayor Hicks inform the Committee of Safety that Tryon had word from Dartmouth pertaining to fresh orders for naval commanders. British captains would adjudge towns to be in a state of rebellion where they raised troops, erected fortifications, or removed His Majesty’s stores.\textsuperscript{13} Actually, Admiral Graves sent Captain Vandeput of the Asia similar but more limited orders at the same time. If the city prohibited intercourse with the ships or molested them, Graves ordered Vandeput to open fire. The Admiral directed the Captain to destroy Sears’s house, the houses of other known rebels, and burn all shipping in the harbor.\textsuperscript{14} Although the committee strove to obtain an extract of the letter from the Governor or its “exact purport,” their Journal did not refer to the matter again. Two days later, however, Rivington’s Gazetteer carried the substance of a part of the letter that conveyed the same information Hicks had given the Committee of Safety.\textsuperscript{15} If Tryon intended to immobilize the Provincial Congress, he very nearly succeeded.

Although the Whigs did not take the threat of bombardment lightly, nevertheless, there is strong ground for believing it to have been a bluff. As long as the Governor remained in the city, he was, in effect, a hostage who guaranteed the peaceable behavior of the warships. Moreover, the Tories

\textsuperscript{12} Congress’s mood was not necessarily the people’s mood. The indignant reaction of the populace to the August 23 incident caused the Provincial Congress to arrange an alternative method of supplying the ships which would keep the crews out of the city. \textit{Jour. Prov. Cong.}, I, 126.
\textsuperscript{13} \textit{Ibid.}, I, 152, 153; Dartmouth to the Lords of Admiralty, July 1, 1775, \textit{Cal. H. O. Papers}, p. 362.
\textsuperscript{15} \textit{Riv. Gaz.}, September 21, 1775.
and their property would suffer as much as the Whigs in a general cannonading. The British weighed other factors. A pitched battle in the port might very well raise the political temperature of the province to fever pitch, rendering the position of the Tories impossible. The Yorkers would appeal to the Continental Congress and neighboring colonies, and troops would pour into the city. The combination of these factors would drive the ships out of the harbor, and the destruction wrought by the cannon might end the city's usefulness to the British as their headquarters.16

News of the impending arrival of continental troops commanded by General Charles Lee stirred new fears in the city. Tryon in mid-December, underscoring his September warning, distributed a handbill that reprinted a letter from the captain of the Phoenix to the Governor. Captain Parker stated that he had orders to treat the town as in open rebellion against the King if the people resorted to violent acts. When General Lee prepared to march into New York in January, 1776, to fortify the city against an expected British attack, the Committee of Safety reacted with alarm. Eliphalet Dyer, Connecticut delegate to the Continental Congress, described the atmosphere as he passed through the town homeward bound: “New York appears empty and desolate; you would scarce see any person or but few in the streets carts and waggons all employed in carrying out goods and furniture, the men-o-warr lying broadside against the town and near the wharfs sails bent and prepared at a moment’s warning. Their present constirnation in New York arises from the near approach of Gen’l Lee. . . .” Nonetheless, a broadside signed “Sentinel” urged the people to isolate the British ships. The city, declared the author, “becomes more and more the scoff and wonder of America.” He concluded with an appeal to the people’s patriotism: “Are you

so callous and dead to every sense of honour, as to disregard
the taunts and scoffs of your brethren in the neighbouring
Colonies?" 17

During his brief tenure in New York, Lee sought to
checkmate the British and thereby alarmed the Whig leaders.
He countered the menace of bombardment with a threat to
retaliate against the Tories; it was a challenge the British
did not choose to accept. The General charted a bold course
when he ordered all communication with the ships halted
and removed cannon and stores from the fortifications. Even
though Tryon had advance information concerning Lee's
plans, the ships did not intervene when the people hauled
away the cannon in broad daylight. Complaints from the
cautious Yorkers, however, forced Lee's transfer, but in April
Washington rebuked the Provincial Congress for tolerating
contact between the people and the ships. The Provincial
Congress thereupon interdicted the traffic and the British
made no move to retaliate. Tryon, informing the Colonial
Secretary, George Germain, of the interdiction, wrote: "The
destruction therefore of the city where there were so many
friends to Government, with the loss of all their property, &
the consideration of preserving the town for the King's army
was thought to be too great sacrifices to make for only retard­
ing the removal of the artillery and stores which even after
such sacrifices could have been carried off by the Jersey and
Connecticut troops." 18

The Committee of Safety did little more than to further
the measures already set in motion by the parent body. At

17 Nettels, George Washington, chap. xi; Becker, The History of Political
Parties, pp. 246-50; Parker to Tryon, December 18, 1775, N.Y.G., December
25, 1775; Dyer to Samuel Adams, January 28, February 27, 1776, Samuel
Adams Papers, NYPL; New York, New York City During the American
Revolution. Being a Collection of Original Papers (Now First Published) from
the Manuscripts in the Possession of the Mercantile Library Association of
New York City (New York, 1861), pp. 85-87; To the Inhabitants of New York,
January 27, 1776, Broadsides, NYPL.

18 Smith, Memoirs, V, February 11, 1776; Tryon to Germain, April 6, 1776,
O'Callaghan, Documents, Colonial, New York, VIII, 674.
one point, indeed, when a combination of some moderates and radicals sought to move vigorously against the Tories, the committee lost its nerve. Driven by the critical shortage of arms, the committee had voted to impress all weapons and recompense their owners. Word from Queens soon reached the committee not only that the Tories had refused to hand in their arms but also that they had disarmed Whigs and that the Colden family had directed these proceedings. McDougall presented a motion to dispatch to Queens a battalion from his regiment, which was then raising, to compel acquiescence in the impressment action. After considerable discussion the committee defeated the proposal.\textsuperscript{19} Hesitancy of this kind was characteristic of the committee.

The committee's timidity in dealing with the Tory problem provoked disgust within the army. Colonel Rudolph Ritzema demanded that the Provincial Congress "confiscate their estates and banish them from the country." Since the colonel wrote from Montreal two days after its capture, his subsequent vehemence may be understood. "Such miscreants ought not to breathe the same air with men resolved to be free. From their machinations in & out of Congress have arisen the hardships we have endured and are further to undergo."\textsuperscript{20} If the Committee of Safety heard these grumblings, it gave no sign.

Additional difficult problems harassed the committee throughout September. September 28, three days after the rebuff to McDougall on the Queens affair, the committee had an urgent message from the commissioners who had been detailed to construct fortifications along the mid-Hudson. Information had reached them that Tryon and a party had

\textsuperscript{19} \textit{Jour. Prov. Cong.}, I, 156. Tryon praised the obstructionist activities of the Coldens. Tryon to Dartmouth, December 6, 1775, O'Callaghan, \textit{Documents, Colonial, New York}, VIII, 646.

When the Provincial Congress reconvened, it disapproved the impressment resolution. McDougall dissented. \textit{Jour. Prov. Cong.}, I, 184.

\textsuperscript{20} Ritzema to McDougall, November 19, 1775, McDougall Papers, NYHS.
landed at Haverstraw where they questioned closely one of the commissioners about the fort and its strength. The commissioners expected the Governor to put in an appearance upriver and asked for a guard. When the committee answered the letter, it ignored both the news of Tryon's movements and the request for troops. The next day the officers of the city's militia petitioned the committee to revise the training regulations so that the companies would train once a week and the battalions once a month. The present routine of once a month, they complained, lacked efficacy. The committee did not reply; the Journal tersely recorded, "Read and filed." Both moderate Alexander McDougall and radical Hugh Hughes complained of the militia situation. The former told Jay that "men of rank and consideration refused to accept of commissions as field officers of the militia; so that these commissions have gone a begging for six or seven weeks." Hughes ascribed the lack of drilling among the militia to the fact that the officers without their commissions could not compel them to turn out. "These circumstances," he added, "have a very bad effect, as they encourage the Tories, who exult at it, and discourage the timid Whigs." Just before its collapse the Provincial Congress finally issued the commissions.

When the New York Provincial Congress reassembled in early October, it sat hardly a week before ill tidings reached it. Washington warned that no prospect of conciliation existed and that all the evidence indicated the British would prosecute the war with the utmost vigor. The next day the Provincial Congress examined Captain Lawrence, a recently arrived shipmaster who had sailed from London August 2

---

22 Jour. Prov. Cong., I, 159-60.
23 McDougall to Jay, October 30, 1775, John Jay Papers, Iselin Collection, CUL; Hughes to Samuel and John Adams, October 17, 1775, Samuel Adams Papers, NYPL; Jour. Prov. Cong., I, 192.
and who brought news that more than sustained Washington's interpretation of the situation. Informed sources in London said that the ministry planned to hire 16,000 Hessians and Hanoverians for the American campaign and that they intended to increase the army in America to 30,000 over the winter. Within twenty-four hours the delegates listened to the reading of three letters from London, dated July 31 and August 7, which concurred in the fact that the government had determined to recover New York, control the Hudson, and open direct communication with Canada.\(^{24}\) Scarcely had the members comprehended this intelligence when Tryon demanded that the Provincial Congress guarantee his safety. Dissatisfied with the subsequent assurances, the Governor shifted his quarters October 19 to one of the vessels in the harbor.\(^{25}\) Tryon's flight seemed to denote the imminence of bombardment, and the seizure of three vessels in the lower harbor and their escort to Boston by the British sloop *Viper* tended to confirm it.\(^{26}\) Many congressmen now found it urgent to attend to their personal affairs and the Provincial Congress, lacking a quorum October 28 and 29, adjourned until November 2.

When it reconvened on November 2, it heard more grim reports. Dispatches from the Continental Congress contained interrogations of captured British officers who had secretly recruited loyalists in New York. The bait offered to enlistees included a promise of 200 acres of forfeited lands in settled areas of the province, a promise authorized by Dartmouth.\(^{27}\) That same afternoon the Provincial Congress listened to a letter from Washington which contained an eye-witness account of the burning of Falmouth by the British. Furthermore, the correspondent continued, the British commander


\(^{26}\) *Riv. Gaz.*, October 26, 1775.

reportedly told the inhabitants of Falmouth he had orders to burn all towns between Boston and Halifax and he expected that his compatriots had put New York to the torch.28

Two actions of the New York Provincial Congress reflected the impact of this disconcerting news. On November 2 it rejected a request of the Continental Congress to appropriate the shirts, blankets, and sheets in the King's stores. Since some persons had carted them to the provincial commissary's house without the provincial organ's authority, the New Yorkers declared that they had ordered them returned because they feared retaliation by the warships. The next day the provincial body disposed of another delicate matter, which related to Westchester. Whigs of Rye and Mamaroneck, writing to New York in alarm, had charged the Tories with plotting to seize a number of leading committeemen and to put them aboard a British tender for transport to Boston. Although the Provincial Congress had provided by its resolutions of September 1 for the arrest, trial, and imprisonment of dangerous opponents by the district and county committees or by itself, it turned its back now on its former directive and voted to instruct the Westchester County committee to investigate the affair. If the plot were real, then the committee would furnish protection to those threatened. The Provincial Congress recommended that any culprits taken be handed over to the civil magistrates for prosecution. This last proposition proved too weak not only for Isaac Sears but also for John Thomas, Jr., Dr. Robert Graham of Westchester, and Melancton Smith of Dutchess, all of whom dissented.29 By November 4 so many representatives had absented themselves that the Provincial Congress ceased functioning without formal adjournment. McDougall complained to Schuyler that this hasty dissolution endangered

29 Ibid., I, 190, 192-4.
The Road to Independence

the colony since Provincial Congress had not established a committee of safety.\textsuperscript{30}

Tory comment not only accurately reported this vacillation but also revealed one of its sources. V. P. Ashfield, a Tory merchant, noting the influence of property on the political situation, advised Isaac Wilkins that “those of prosperity are afraid of their estates, and are coming about fast. They say they have gone too far.”\textsuperscript{31} Jacob Walton, another Tory, spoke of the leaders’ “growing very timid,” and added significantly, “but now they have raised the devil amongst them they do not know how to lay him.”\textsuperscript{32}

The Second Provincial Congress, which assembled in December, was in the eyes of contemporaries just as timid as its predecessors. Hughes wrote Sam Adams that “the people [are] constrained, disappointed and discouraged here by the timidity or treachery of their leaders.”\textsuperscript{33} A writer in the \textit{New York Journal} berated the cowardly, the do-nothings, and called for “activity, vigilance and resolution.”\textsuperscript{34} The hesitancy of some Whigs led them to urge Holt not to reprint Thomas Paine’s \textit{Common Sense}. In describing this incident Hughes wrote:

“Another anecdote I must trouble you with, is, that Col. McDougall waited on Mr. Holt and desired that he would not reprint ‘Common Sense’; the people’s minds not being prepared for such a chance &c. Somebody else, I forget who, waited on him for the same purpose. The contrary is so much the case, that the people are constantly treading on their leaders heels, and, in a hundred

\textsuperscript{30} McDougall to Schuyler, November 14, 1775, McDougall Papers, NYHS and Schuyler Papers, NYPL.

\textsuperscript{31} Ashfield to Wilkins, November 4, 1775, \textit{Cal. H. O. Papers}, p. 482. See also the similar comments of John Cruger to Henry Cruger, November 1, 1775 and Harris Cruger to Henry Cruger, November 3, 1775, \textit{ibid.}, pp. 479, 481.


\textsuperscript{33} Hughes to Adams, December 19, 1775, same to same, January 8, 1776, Samuel Adams Papers, NYPL.

\textsuperscript{34} “The Monitor”, No. 7, \textit{N.Y.J.}, December 21, 1775.
cases, have taken the lead of them. But his patrons don’t approve of it, and he must beat time with them. Phil [Livingston] says it was written by some Tory &c. However, let them say and do what they please, the people are determined to read and think for themselves. It is certain, that there never was any thing published here within these thirty years, or since I have been in this place, that has been more universally approved and admired.”

None of the foregoing events came as a response to an upsurge of Tory sentiment among the people; rather, they reveal the working of the powerful emotion of self-preservation.

At first glance the polling for the Second Provincial Congress and the laggardness of the deputies in assembling for its opening seem to lend credence to the idea of a royalist reaction, but a closer scrutiny will disclose the fallacy of this view. One author pointed out that the people went to the polls in only nine of the fourteen counties, that, of the nine, in Orange only one precinct voted, and that in Tryon a newly chosen deputy resigned and his successor did not appear until February. Therefore, the people in only seven counties supported the Second Provincial Congress.

However, in Orange County factionalism may have complicated the situation. Although two precincts had voted on November 7, Goshen precinct complained that the county committee, “through some unhappy mistake,” had failed to notify the people of the election. Goshen hastened to rectify the omission, leaving Orange Town as the only precinct in which no balloting had taken place. The two precincts of Orange Town and Haverstraw had a joint precinct committee, but Haverstraw chose delegates November 7, whereas Orange Town did not. The freeholders and tenants held

---

35 Hughes to Samuel and John Adams, February 4, 1776 [?], Samuel Adams Papers, NYPL. John Anderson, publisher of a new gazette, the Constitutional Gazette, reprinted Common Sense in pamphlet form.
37 Ibid.
several meetings in Orange Town prior to election day, but on the vital day, owing to "some misapprehension" as the precinct chairman said, no polling occurred. Two days later, November 9, Chairman Thomas Outwater of Orange Town entreated the Provincial Congress to set aside another day for the precinct to vote, but that body did not read the letter until December 1; the delay did not wholly lie with the township. When Orange Town cast its ballots December 7, completing the precinct voting, the whole county, therefore, had taken part in the electoral process.38

The Whigs seem to have organized the election in Tryon as well as in New York and Albany. The county committee notified each district of the impending election but confined the vote to freeholders.39 Although the electors chose two deputies, one, Isaac Paris, resigned shortly after to assume the chairmanship of the county committee. On November 25 the county committee selected William Wills to replace Paris and dispatched him immediately to New York. Wills's failure to arrive in the city became the subject of correspondence between the Provincial Congress and the county committee. The committee expressed its astonishment at Wills's dereliction, mentioning that it had information that Wills had departed as instructed. Furthermore, the committee did not know what had happened to him. The delinquent delegate appeared at the Provincial Congress two months later.40 Whatever reason caused the delay, the promptness with which the committee held the election and the alacrity with which it picked Paris's successor refute the idea of any cooling toward the revolutionary cause. It may be that this incident illustrates the difficulties inherent

39 The First Provincial Congress had extended the suffrage to tenants having realty assessed at £80. Becker, The History of Political Parties, p. 227.
in operating a revolutionary organization in the isolated rural areas of the province.

Of the five counties (Richmond, Queens, Cumberland, Charlotte, and Gloucester) in which the people supposedly did not elect deputies, the situation in the last three was a compound of communication difficulties, factionalism, and the Vermont controversy between New York and New Hampshire. Through some miscarriage of the correspondence the Cumberland committee did not receive the Provincial Congress’s notice of election nor did it hear of it from its delegate in New York. The first intimation of it came through the New-York Journal of October 19, which printed the text of the congressional resolution. Some of the committee men desired to hold the election on the newspaper’s authority, but most wished to have official word. When they wrote the Provincial Congress for advice, they affirmed the steadfastness of the county: “the people in general among us, want to choose new members; and are always ready to adhere strictly to the resolves of . . . Congress. . . .” Since the Provincial Congress had already adjourned, Cumberland waited in vain for a reply. Finally, the committee, acting on its own authority, appointed two delegates.

41 Becker, The History of Political Parties, pp. 234, 236-37, treats this occurrence in confusing fashion. The delegates in New York dispatched the letter of December 1, which posed the drastic consequences of a congressional collapse, to three counties (Tryon, Cumberland, and Charlotte), not to six. Although the letter writers could not have known it, their warning was unnecessary. As the material on the preceding and subsequent pages shows, the people of these counties did not deliberately drag their feet. The letter did not produce the delegates from these three counties as Becker contends. Furthermore, the arrival of Dr. John Williams from Charlotte on February 13, 1776, reduced the number of unrepresented counties to two, Gloucester and Queens, not three. Jour. Prov. Cong., I, 199, 297.

42 For the complexities of the dispute between New York and New Hampshire over the "Grants" (Vermont) see Chilton Williamson, Vermont in Quandary: 1763-1825 (Montpelier, 1949), chaps. ii-v.

Similar delays occurred in Charlotte and Gloucester. Despite the friction with Yankee settlers over land rights, Charlotte in an election on January 25, 1776, chose two representatives for the Provincial Congress. Although Gloucester had established district and county committees by July, 1775, and had chosen a deputy to the First Provincial Congress, the fear of an attack from Canada deterred Congressman Bayley from attending. Undeterred by the uncertainty of communication with New York, the county committee took the initiative in circulating the Continental Association, which everyone signed. Furthermore, Bayley complained in October that notwithstanding the silence from the Provincial Congress, the people had commenced the organization of their militia, using the form suggested by the Continental Congress. Under the illusion that the First Provincial Congress was still sitting, Bayley promised to attend that winter, “if health permit.” In view of this isolation, it is not surprising that the county seems not to have held an election for the Second Provincial Congress; probably the people did not hear of it until late in the spring. The wonder is that the county created an effective Whig organization.

Kings County may, or may not, have held an election. Eight days after the opening of the Second Provincial Congress, the members present, lacking a quorum, wrote a letter to the “members chosen to represent Kings County,” pressing them to attend. The next day, November 23, a Kings deputy appeared, but when deliberations began on December 6, only one Kings member attended. Although the house read and formally recorded all election certificates, they did not mention Kings County. Moreover, even though Orange could

---

44 Jour. Prov. Cong., I, 297. On the land dispute and factionalism see Duer to Peter V. B. Livingston, June 2, 1775, ibid., I, 71-72 and Judge R. R. Livingston to R. R. Livingston, Jr., May 18, 1775, Livingston, Revolutionary Letters of Importance, No. 44.

45 John Taplin to P. V. B. Livingston, July 15, 1775, Jacob Bayley to Provincial Congress, October 20, 1775, Jour. Prov. Cong., I, 93, II, 96.
claim only one delegate from Goshen precinct, the house seated him, but with the provision that he have no vote until his county had a quorum. The meticulous action in relation to Orange renders the silence on Kings even more puzzling. When a second Kings representative arrived in the city on December 8, the county cast its vote in the first formal division entered in the *Journal*, but the official record does not refer to the seating of the delegation nor to receipt of its election certificate. The reference of the Provincial Congress’s letter of November 22 does seem to indicate that the county did have an election, but there is no explanation for the omission in the *Journal*. Possibly it was the result of clerical oversight. For example, although William Smith’s memoirs contain a brief summary of Thomas Smith’s account of the proceedings of the afternoon of December 13, 1775, the *Journal* does not record Thomas Smith as present. 46

Of the fourteen counties, then, only two (Richmond and Queens) refused to choose deputies, and since they had always been strongholds of Tory sentiment, their refusal did not represent any shift in political loyalty. No doubt the equivocation of the Provincial Congress in regard to the Tories during the preceding months had fatally affected the weak Whig organization in both counties. Nevertheless, the action of two Tory counties cannot be construed as evidence of a general loyalist reaction. McDougall’s explanation of the Provincial Congress’s predicament largely confirms the foregoing: “This [bare quorum] is owing to the tardiness of the Deputies of the New Counties [Tryon, Charlotte, Cumberland, and Gloucester], who are not come down. And to the machinations of the Tories, who have so wrought on the Fears and Jealousies of the Counties of Richmond and Queens, that the Former has not chosen any deputies: and the Latter has Voted against any being Sent. . . .” 47

Those who see evidence of a rising loyalist tide also point to the circumstances surrounding the complicated Tory stratagem of having the Provincial Congress approve a meeting of the general assembly. The irresolution of the Whigs in the fall of 1775 cost them the political initiative and exposed them to the possibility of a major political defeat. Perspicacious William Smith evolved a two-pronged maneuver which ostensibly aimed at conciliatory negotiations with Britain but which substantially sought to break the continental union and to reestablish the government’s control over New York. The first step envisaged instructions by the Provincial Congress to the New York representatives at the Continental Congress to move new conciliatory proposals. In preparing these proposals for presentation to the Provincial Congress, Smith sought to attract enough moderate and conservative votes to secure the adoption of the recommendations by the New Yorkers, but he also sought to insure either their rejection by the Continental Congress or New York’s freedom of action. The result of approval or disapproval by the “grand Congress” would be a meeting of the New York provincial assembly to debate Lord North’s motion of February 20. Smith cannily incorporated a provision which he had suggested in June to the First Provincial Congress, to have the Continental Congress initiate negotiations.  

47 McDougall to Schuyler, December 7, 1775, McDougall Papers, NYHS. McDougall’s reference to machinations and fears may not have been imaginary. A letter to the New York Journal early in the year had described the tactics used by the Tories to prevent the formation of a Whig committee in Jamaica. The Tories circulated a statement to which they solicited signatures, opposing the election of the committee. “A Lover of Liberty” charged that the Tories told people the proposed committee would be authorized to break open their houses in search of tea, that the committee would break their molasses jugs, that if they did not sign the statement, they would be adjudged enemies to the King and might be hanged. N.Y.J., February 9, 1775.

Even after the crushing defeat of the Queens Whigs in the election of November, 1775, printer John Holt still insisted that the Tories did not number one-third of the Queens population, that those who voted for them were “dependant upon, or under the influence” of their social superiors. Ibid., December 28, 1775.
Smith's suggestion of June had centered on the formation of a permanent continental congress to apportion the colonies' shares of funds requisitioned by Great Britain. Elaborating on this idea now, he proposed that Britain consider such monies as a gift, that Parliament account for their expenditure for national defense, and that Parliament also report on the expenditure of the funds which came from the regulation of commerce. While the colonies sustained the costs of civil government, no official of the province might receive "any other pension or provision." Smith recommended as immediate steps that the Continental Congress urge that all the colonial assemblies convene to petition the crown and Parliament and avoid "as much as possible everything that tends to irritate or offend in asserting the essential Rights and Privileges of His Majesty's American Subjects" and that it declare what parts of the parliamentary resolution of February 20 it would accept. 49 Once the disputants resolved the question of taxation, Congress would rescind the Continental Association and Parliament would

---


Smith formally described his purpose to Tryon after these events had occurred: "I confess that I flattered myself with hopes that this Province might have been induced by Your advice to set an example to the rest, for a return from their wanderings in that wide field of discontent opened by the Continental Congress in 1774." O'Callaghan, *Documents, Colonial, New York*, VIII, 658.

49 Since the Continental Congress had rebuffed Lord North's proposition in July and had learned in November of the King's refusal to receive their Olive Branch petition, it was highly improbable that they would consider another petition. Inasmuch as Smith's ideas represented a retreat from Congress's statement of July 31, the likelihood of a cordial reception for them was extremely remote. Burnett, *The Continental Congress*, pp. 95-97; Worthington C. Ford and Gaillard Hunt, eds., *Journals of the Continental Congress* (94 vols.; Washington, D.C., 1904-1937), II, 224-27.
pass a general act of "oblivion and indemnity." The colonists would express their readiness "to place an intire confidence in parliament" for the redress of their other grievances. The last provision of the plan revealed Smith's major intent, for it reserved to each colony the liberty to pursue any "measure . . . that may facilitate the designed Reconciliation not inconsistent with the Plan of Contract to be concerted and recommended to them by the Continental Congress." Since the sole power and authority of the Continental Congress would consist of matters of taxation, New York would have a free hand to make her own peace with the ministry.\(^50\)

If the Continental Congress defeated a New York motion on conciliation, Smith might plausibly appeal to the Whigs to call for a meeting of the provincial legislature. The assembly would consider Lord North's motion.\(^51\) An independent memorial from the colony on this matter after its rejection by the Continental Congress would stir up dissension among the colonies, discredit the Provincial Congress, and open the door to restoration of the governor's authority. Smith's plan owed its inspiration to a letter from delegate John Alsop,

---

\(^{50}\) Smith, Memoirs, V, November 30, 1775; Sabine, *Memoirs of William Smith*, pp. 244-47. Smith admitted indirectly that this was the case when his plan failed. Upon learning that the Provincial Congress had repudiated any separate negotiation, Smith wrote: "for it was resolved that the latter [i.e., Continental Congress] only should declare upon all terms of Reconciliation & thus the former [i.e., Provincial Congress] became meer executive Instruments." Smith, Memoirs, V, December 14, 1775.

\(^{51}\) Smith's sincerity in advocating another petition by the assembly is a moot point in view of the preceding events. It will be recalled that the administration's supporters had made a great deal of noise over their decent and constitutional appeal to the King and Parliament in the spring, practically acting upon the unofficial invitation of the ministry. The refusal of the British, therefore, even to receive the assembly's petitions came as a sharp slap in the face not only to the Tories but also to the conservative and moderate Whigs. On what basis did Smith expect a different reaction now? Lord North's resolution did not offer negotiation; it required submission on specific terms. Moreover, by December the whole atmosphere had altered. In August the King had proclaimed the Americans to be in rebellion. The succeeding months had witnessed the rejection of the Olive Branch petition and the acceleration of measures designed to crush the rebellion by arms. Since Smith possessed acute political perception, it is difficult not to conclude that the petition was secondary to the aim of reasserting the government's authority. On the moderate attitude, see Jay to McDougall, December 8, 1775, McDougall Papers, NYHS.
The Revolutionary Spirit

conservative and future loyalist, which suggested that the New York Provincial Congress instruct its representatives in Philadelphia to introduce pacificatory measures. 52

The arrival of Alsop's letter presented William Smith with his opportunity. Smith and his brother Thomas, a member of the Provincial Congress, had striven for some time without notable success to persuade John Morin Scott to moderate his views. When Scott informed Thomas Smith of the receipt of Alsop's letter, Deputy Smith exhorted him to move at the opening session of the Second Provincial Congress for new instructions for the Philadelphia delegation. Scott consented conditionally, insisting that Smith prepare the draft. William Smith, however, composed the resolves which Thomas Smith gave to Scott. 53 Councilor William Smith ran into strong opposition when he broached his plan to Tryon and some of the executive council on December 1. In his memoirs Smith discreetly avoided disclosing the substance of the talk but recorded that the opposition subsided when he placed his formulation on this basis: "Suppose says I it procures a constitutional application to Parliament upon the controverted subjects in a more moderate tone." The "constitutional application," of course, was an assembly petition. Shortly thereafter Smith handed Tryon the draft of a letter to the people in which the Governor intimated his desire of having the assembly examine Lord North's resolution. Dated December 4, Tryon's letter appeared in the newspapers in modified form. 54 The Tories had launched their trial balloon, and William Smith busily guided it.

52 Apparently Smith was already thinking along these lines. Under date of November 25 he recorded counseling Tryon to make public his permission to return to England. Smith, Memoirs, V, November 25, 28, 1775; Sabine, Memoirs of William Smith, pp. 242, 243.
54 Smith, Memoirs, V, December 1, 1775; Sabine, Memoirs of William Smith, p. 243; Const. Gaz., December 6, 1775. Tryon explained to Smith that he could not use the letter as drafted because he feared the other governors might accuse him of being in league with "the People."
The Road to Independence

On the one hand, William Smith consolidated opinion among the city magistrates for having another meeting of the colony's assembly, while on the other, his brother sounded out feeling in the Provincial Congress for new instructions to the colony's representatives at Philadelphia. Having obtained a favorable response, Thomas Smith arranged a private meeting of ten members of the Provincial Congress and his brother at Simmons Tavern on December 7. Before attending the meeting, William Smith submitted the draft instructions to Colonel Edmund Fanning, Tryon's son-in-law, who read and approved them. Most of the discussion at the tavern revolved around the terms of the conciliatory proposals. When some members suggested that Alexander McDougall would never consent to the presently constituted provincial assembly's taking up the North resolution, William Smith assured them that the Governor would not insist upon it, but he, nevertheless, argued against the election of a new assembly. Encouraged by the expressions of support, Thomas Smith declared he would introduce the resolutions in the Provincial Congress the next day.

Instead of moving for new instructions to the delegates at the Continental Congress, Thomas Smith presented four resolves to the Provincial Congress: (1) that Gage had begun hostilities without waiting for colonial consideration of Lord North's motion and that New York had borne arms in self-defense; (2) that New York boasts the "most unshaken loyalty," the "warmest attachment" to the crown, and "an ardent desire to maintain the ancient union of the two countries"; (3) that the Provincial Congress "conceive it highly necessary and expedient" for the King to have the


56 Ibid., December 6, 7, 1775.
The Revolutionary Spirit

...colony's opinion on the North resolution "in such a way as his Excellency may conceive to be most constitutional" and that the Provincial Congress consider the Governor's letter as "proceeding from an anxious desire for a reestablishment of . . . harmony"; (4) that the Provincial Congress desire Tryon to return to his residence in the city and guarantee his safety. Since these resolves were preliminaries to the instructions, they were presumably intended to create favorable sentiment among the members for conciliation, to lay the basis for convoking the legislature should the Continental Congress reject conciliation, and to reassure the Governor as to the attitude of the Provincial Congress.

Thomas Smith erred seriously when he neglected to assure himself of Scott's support before introducing his resolves. The introductory motion precipitated an acrimonious debate, in the course of which Scott teamed with McDougall and Hobart to oppose Smith. Scott severely castigated Governor Tryon for accusing the people in his December 4 letter of withholding "their allegiance from their sovereign and their obedience" from Parliament. The trio also criticized the assembly and demanded its dissolution. It is likely that the house would have defeated Smith's motion, but the delegates from Albany, Dutchess, and Ulster took refuge in the rules of procedure which enabled them to postpone further debate for five days.

Thomas Smith sought to repair the damage the next day,

58 Although Scott was a key figure in the Provincial Congress and had possession of a copy of William Smith's draft, Thomas had not invited him to the consultation at Simmons Tavern. William noted noncommittally that Thomas had not consulted Scott on the introductory motion. Smith, Memoirs, V, December 8, 13, 1775; Sabine, Memoirs of William Smith, pp. 252, 253, 256.
60 Rule 10 stated: "That no question shall be determined on the day that it is agitated if three counties shall request that it be deferred to the next day." Jour. Prov. Cong., I, 206, 211.
December 9, by presenting a motion to appoint a committee to draft a letter to the representatives at Philadelphia that would instruct them on measures to be taken “in this alarming state of our affairs.” The general nature of the motion won unanimous approval and the deputies referred it to a committee of Scott, Hobart, Smith, Gansevoort, Gilbert Livingston, and Abraham Brasher.

When the Provincial Congress reopened the debate on Smith’s resolves on December 13, Hobart proposed an amendment to Smith’s motion which rebuked the Governor and placed the responsibility for the crisis on the ministry’s shoulders. The amendment contained five resolves: (1) that none of the people have renounced their allegiance to the King or desire independence; (2) that the colonies have taken up arms to defend their rights and privileges against “the arbitrary and tyrannical encroachments of His Majesty’s Ministers”; (3) that though “this colony” had recourse to committees and Provincial Congress to secure redress of their grievances, the people do not desire to oppose the colonial legislature but insist upon their right to continued representation therein; (4) that the government’s failure to convene the assembly this season has caused uneasiness among the people; (5) that the Provincial Congress thinks there is no danger of “insult or interruption” to either of the branches of the legislature and that it would be extremely agreeable to the people to have the assembly meet to consider the “present unhappy controversy.”61 The debate on Hobart’s amendment produced heated exchanges. Smith remarked that the first part of the fifth resolution was similar to his own motion for guaranteeing the Governor’s safety, whereupon Hobart answered that the Provincial Congress might arrest Tryon without breach of faith. Since Colden

could legally replace the Governor, the Suffolk delegate stated, the legislature could proceed without "interruption." The speaker declared "impudently" that he had drawn the clause in that form to trap the Governor. The vote on the amendment overwhelmed Smith, for only one county, Kings, voted against it and one, Orange, divided. The house then held the amendment for detailed consideration, voting on it paragraph by paragraph. When the voting ended, Smith had won his major point: it would be extremely agreeable to the people to have the assembly sit. On all the other resolves Smith suffered a sharp reverse, and the volleys of invective had so exacerbated tempers that the ultimate fate of the motion remained in doubt.

Indeed the following day's session demonstrated how the struggle over the amendment had fused the radicals, moderates, and most of the conservatives into a determined opposition. This temporarily united group deprived Smith of his partial victory in the previous day's debates. Reflecting this new vigor, Isaac Roosevelt, a conservative from New York City, offered further amendments to the first two resolutions that broadened in harsh tones their scope to include Parliament. His motion charged that the sole sources of the supposed present turbulence were the "oppressive acts" of Parliament, "devised for enslaving His Majesty's leige subjects," and the "hostile attempts of the Ministry to carry those acts into execution." Roosevelt's amendment carried unanimously, for all counties voted for it. John M. Scott and Alexander McDougall opened the assault on the next resolve. When Scott and McDougall finished obliterating and transposing words in the third resolution, they barely left the door ajar for another session of the assembly. They declared that the people do not wish "to disuse . . . the ordinary course

---

of legislation, but . . . highly esteem their right of being represented in General Assembly." This, too, carried unanimously. Hobart moved that the fourth resolve be expunged; his motion carried with no county dissenting. The fifth resolve met the same fate, although its demise spanned two motions. Haring of Orange, seconded by Sands of New York, proposed to delete the latter half of the fifth, which welcomed a meeting of the legislature. When put to a vote, only Kings opposed it, but Roosevelt recorded his dissent from the New York City ballot. Sands then spoke for the disposal of the rump and only Kings voted against it. Having administered a stinging admonition to the Governor and the Tories, the house proceeded to other business.

The dinner intermission that day must have seen further conversation on the debates because when the Provincial Congress reconvened in the afternoon, the moderates re-opened the subject. Scott took the floor to present an additional proposition: "that nothing of a salutary nature can be expected from the separate declaration of the sense of this Colony on the Resolution of the House of Commons on the 20th February last; and that as the motion whereon the scheme was grounded was confessedly framed to disunite the Colonies, it would be highly dangerous and totally inconsistent with the glorious plan of American Union, should this Colony express their separate sense on the above-mentioned supposed conciliatory proposal. . . ." All the counties voted in the affirmative except Orange, which divided. McDougall concluded the business by moving "that this Colony is fully and effectually represented in the Continental Congress for the purpose of expressing the sense of its inhabitants on any overtures for a reconciliation, and that the Continental

63 Becker, The History of Political Parties, pp. 240-41; Jour. Prov. Cong., I, 217-18. Although William Smith states that his brother quitted the Provincial Congress in disgust on the fourteenth, the Journal does not record him present either the afternoon of December 13 or at any time on December 14.
Congress has fully and dispassionately expressed the sense of the inhabitants of this Colony on the above-mentioned Resolution..." All the counties approved this resolution, but Roosevelt and Cuyler registered their disapproval. When the resolutions passed their third reading on December 15, the conservatives cast their last negative votes. Van Zandt, Roosevelt, and Beekman of New York, Van Derbilt and Covenhoven of Kings, and Cuyler of Albany voted against the fourth and fifth resolutions and opposed the publication of any of them.65

William Smith officially attributed the defeat of his proposals to the machinations of Scott, McDougall, and Hobart who, seeing "a spirit of moderation would be inauspicious to their private aims, of gaining seats in the new Assembly, and" who, "by working upon the general jealousies of the main Body, and the ambitions of some members who had ends similar to their own," defeated the resolves.66 In his private notes Smith ascribed the defeat to the arrival of news from Philadelphia and Canada on the evening of December 8. From Philadelphia had come the Continental Congress's acerbic response to the royal proclamation on rebellion, a response denying that the Americans were rebels and opposing the "exercise of unconstitutional powers, to which neither the Crown nor Parliament were ever entitled."67 The reports from Canada spoke of further military successes after the fall of Montreal.68 Although the news of these events may have stiffened the opposition, as Smith thought, the information arrived in New York after intemperate argument had already occurred in the Provincial Congress.

There is, however, another relevant factor in this affair.

---

65 Jour. Prov. Cong., I, 219 and 220. See the comments of McDougall to Jay, December 14, 18, 1775, Jay Papers, CUL and Jay to McDougall, December 8, 1775, McDougall Papers, NYHS.
66 Smith to Tryon, December 17, 1775, O'Callaghan, Documents, Colonial, New York, VIII, 653.
67 Quoted in Burnett, The Continental Congress, p. 117.
which Smith glossed over in his letter to Tryon. He referred to his brother’s resolutions as “incautiously framed,” and a comparison of them with Tryon’s letter to the people will demonstrate the truth of this understatement. Although the Governor had expressed the wish to have the people’s opinion of the North resolution and to have peace, he had concluded his letter with the implication that the Whigs had indulged in treason. In this context Thomas Smith’s propositions possibly evoked the image of the dangling halter in the minds of some Whigs.

Thomas Smith phrased his motion in more than conciliatory language. His first resolution ignored the North policies of 1773-1775 as the cause of the American unrest and sought to create the impression that Gage’s expedition was the origin of the troubles. If this view were correct, what would Smith say about those who advocated the formation of a committee and a provincial congress before April, 1775? Would the government treat them as restless and turbulent characters? The second resolution conceded that the conduct of some “would countenance a charge of withholding their allegiance from their Sovereign,” although it added, “it must be attributed to an apprehension that all protection was withdrawn from them.” Nevertheless, the resolve did lend color to Tryon’s accusation of treason. The third resolution praised the Governor’s initiative as indicating both his affection for the people and his “anxious desire for a reestablishment of that harmony that has been so long interrupted by the misrepresentations and artifices of evil and designing men.” Did these last words refer to the De Lancey faction or to the moderates and radicals? As phrased, these proposals seemed to bear the aspect of an invitation to approve Tryon’s judgment of the Whigs. Furthermore, since Scott and Hobart had either read or heard the gist of William Smith’s draft

instructions, these unrelated and unexpected resolves must have aroused suspicions as to Thomas and William Smith's objectives. It was not surprising that "Congress was thrown into great heats" and that it rejected the plan.\textsuperscript{70}

Although the radical and moderate Whigs might well have congratulated themselves upon their resounding victory on the floor of the Provincial Congress, William Smith was not yet ready to concede the battle. Since the resolutions provided at least indirectly for a meeting of the assembly, Smith counseled Governor Tryon to act upon the hint. Taking into account the congressional diatribes against the prorogued legislature, William Smith advocated the election of a new assembly: "The dissolution will enable men of temper, to testify their disapprobation of the present violence, under a popular and safe cloke form a confederacy to correct and undermine the tyranny erected over the colony, turn the eyes of the multitude to a power that is constitutional, and favor future overtures for the restoration of harmony. . . ."\textsuperscript{71} When Tryon put the issues to his council, a majority favored a dissolution.\textsuperscript{72} Although the Governor tried to conceal his termination of the legislature, not even informing his council, he failed to deceive the Whigs.\textsuperscript{73} They took prompt steps to wage an energetic campaign to insure the election of a Whig assembly.\textsuperscript{74}


\textsuperscript{71} Smith to Tryon, December 17, 1775, quoted in Becker, \textit{The History of Political Parties}, p. 241; Smith, Memoirs, V, December 17, 1775.

\textsuperscript{72} \textit{Ibid.}, V, December 23, 26, 1775. De Lancey, Cruger, and Horsmanden opposed dissolution, at least until the legal life of the assembly had expired. In the face of this opposition the Governor declared he would use his own discretion as to the precise date of dissolution.

\textsuperscript{73} Smith records that Tryon had not informed the council of his action on December 30. The secrecy would have hampered the organization of an effective campaign by the Whigs in the rural districts and a small vote would have enhanced the odds of a Tory victory. \textit{Ibid.}, V, December 31, 1775.

\textsuperscript{74} Becker, \textit{The History of Political Parties}, p. 242, states the election aroused "little interest," but the Whig activity belies such an interpretation. Robert R. Livingston, expressing his surprise and mystification at the
By means of handbills and the newspapers the Whig propagandists warned the people of the consequences of the election of a corrupt legislature and against Tory guile to divide the colony. "A Citizen," urging vigilance by the people, maintained that the administration had prepared the election as a trap. Avoid the snares, elect independent men of integrity, he concluded. "A Poor Man" wrote that a corrupt assembly would make dangerous concessions to the North ministry and that the people therefore should unite to choose "Good, steady friends" to their liberties. "Philo-Demos" asked the citizens to examine carefully the candidates' principles and warned that secret enemies were worse than avowed opponents.75

On another front the provincial Committee of Safety warned the county committees not to be "taken unaware & surprized into an Election without Time to Consult & prepare for it," to hold caucuses of "leading friends to liberty" to choose candidates of "zeal, spirit and integrity," and to spare no "care & pains" to elect them.76 Desiring to leave as little to chance as possible, the Committee of Safety in a second circular to the counties emphasized the necessity of prompt attendance at the meeting of the Provincial Congress February 1 so that it could "awe a corrupt Assembly."77

The election resulted in an overwhelming victory for the Whigs, who won twenty-four seats to four for the Tories.78

---


The Revolutionary Spirit

In the capital, the Tories had not even put up a slate. Whigs won the two seats in Queens, but the Jersey troops probably had cowed the Tories when they disarmed several hundred in late January. The dampening of Tory ardor in Queens did not affect Richmond where the two leading Tories retained their assembly seats. Similarly, in the Borough of Westchester in the southern part of that county a De Lancey gained the victory, but Whigs captured the two other seats for the county. Although the Whigs won an impressive victory, moderates and conservatives would compose the new assembly and the Tories might sway the Whigs if they pursued a policy of indirection.

Having committed themselves to the election of the new

78 Thirteen of the Whigs were members of the current Provincial Congress. The previous assembly had thirty-one seats, but the newspapers reported the names of only twenty-eight victors. There was no report from Cumberland and only one name from Orange. There was no mention of Charlotte and Gloucester counties.

The four Tories were Oliver De Lancey of Westchester, Seaman and Billop of Richmond, and John Alsop of New York. The Whigs nominated the latter as a conciliatory gesture.

The Whigs were Philip Livingston, Jay, and McDougall of New York, John Leffertse and Covenhoven of Kings, Blackwell and Samuel Townsend of Queens, N. Woodhull and William Smith of Suffolk, John Thomas, Jr., and Lewis Morris of Westchester, Pierre Van Cortlandt of Manor of Cortlandt; P. R. Livingston of Manor of Livingston; R. R. Livingston, Jr. and Dirck Brinckerhoff of Dutchess; Abraham Yates, Jr. and Robert Van Rensselaer of Albany; Abraham Ten Broeck of Manor of Rensselaer; Christopher Yates of Borough of Schenectady; Paris and Moore of Tryon; George Clinton and Charles DeWitt of Ulster; and John Haring of Orange. N.Y.P., February 22, 1776.


79 Becker, The History of Political Parties, p. 242. The Whigs had called in the newspapers for a meeting of the freemen and freeholders on January 17 to choose a ticket. It was this meeting that nominated the victors. Const. Gaz., January 17, 1776; Smith, Memoirs, V, February 2 and 3, 1776.

80 Becker, The History of Political Parties, pp. 244-45. When the Tories surrendered their weapons, they took an oath to support the Provincial Congress and not to aid the British. Force, American Archives, 4th ser., IV, 858; N.Y.G., January 29, 1776.

81 The inability of the Tories to win a majority in the assembly under the conditions of restricted suffrage is striking testimony of their loss of influence among the electorate. This is all the more astonishing in the countryside where the great landholders could sway the votes of their lessees.
assembly, the Tories had to make the difficult decision whether they would permit the legislature to convene. Certainly the Tory defeat at the polls had not induced the Governor to prorogue the assembly. What gave Tryon and his council pause was not the election but the state of public opinion. Early in January New York papers carried the text of the King's October speech to Parliament in which he declared his intention of ending the rebellion quickly by the "most decisive exertions." 82 William Smith remarked that the news "greatly inflamed the multitude, upon the certain prospect of a new [military] campaign." 83 When the council met before the election on January 29 to lay plans for the coming legislative session, the members were gloomy concerning the administration's prospects. 84 They divided over the question of how long to postpone the opening of the assembly; one faction favored a month's delay, the other a fortnight. They resolved the difference by agreeing to permit the meeting on February 14 as stipulated in the writs of election, if good news came from Britain to soothe the "popular ferments." Otherwise, the Governor would prorogue the legislature for a month. 85 Not only did expectations of good news from Britain prove illusory, but the threat of war increased with the arrival of General Charles Lee to erect defenses against an expected British assault. 86 Consequently, the council approved the prorogation of the legislature and the assembly never again sat in the colony.

Although the Whig leaders had wavered and hesitated in the latter half of 1775, they had consolidated support among the people for the revolutionary cause and had consolidated the revolutionary organizations throughout the province.

82 Ibid., January 8, 1776.
83 Smith, Memoirs, V, January 6, 1776.
84 Ibid., V, January 29, 1776.
85 Ibid.
The February prorogation of the assembly signaled the end of Tory efforts, without the employment of an army, to regain supremacy in the province. Their defeat within and without the Provincial Congress underlined the fact that they were a minority.
THE irreresolution of the First and the Second Provincial Congresses often tends to obscure the hardening of the opposition to Britain and the growth of sentiment for independence. Even in the dismal days of November when the First Provincial Congress collapsed, the press carried letters which expressed determined resistance to British measures. "Philo Patriae," lecturing his readers on patriotism, heaped scorn on those who sold their talents to the ministry and on those who drew back in fear. 1 Although "The Monitor" confidently asserted that Britain would weary of fruitless endeavors and ultimately would concede, he also warned his countrymen that they must prepare to die in defense of their liberties. 2 "An Occasional Remarker" warned against the increasing boldness of the Tories and said that he was prepared to make the final sacrifice in defense of American rights. 3 "A Poor Man" remonstrated with those of the "industrious" poor who favored the government. Contrasting the condition of the American farmer and laborer with his European counterpart, he wrote: "Here, a poor man, can get his bread, and eat it in comfort and peace. There, the greatest part of his earnings are taken from him, to fatten and feed the pride of the rich and lazy; who instead of thanking him for it, only insult and despise him. He hardly dares
The Tide for Independence
to say his soul is his own... I would rather die ten thousand deaths, than to see this country enslaved, and ruined by a venal wicked, blundering parliament. 4 When news of Governor Dunmore's depredations in Virginia reached New York, "Minos" proposed that he be tried and hanged for his crimes. 5

Among those who sought to counteract the effect on public opinion of the Whig leadership's timidity was "The Monitor." When the Tories attempted to beguile the Second Provincial Congress into calling for a meeting of the assembly to act on Lord North's proposition, "The Monitor" wrote a detailed dissection of the offer which exposed its damaging consequences. 6 This same writer drove home sharp attacks on the frightened congressmen and on those who had opposed Britain in 1774 but who now sided with the ministry. 7 In his seventh number "The Monitor" differentiated nicely between timidity and prudence:

When the former qualities prevailed in the conduct of affairs, we see none but weak and irresolute councils, productive of plans and measures, slow in their execution, and insignificant in their consequences. Every proposal, whether trivial or important, is perplexed with endless debates; however obvious its propriety, still it must be examined in every light, must undergo the nicest dissection, and each member of it be viewed with the most scrupulous precision. . . . In a word, nothing wise, provident, manly or decisive is to be expected; a scandalous remissness, imbecility and inaction, characterise the general current of affairs. . . . When the latter ingredients

1 N.Y.J., November 2, 1775.
2 Ibid., November 9, 1775.
3 Ibid., November 16, 1775.
4 Const. Gaz., November 25, 1775.
5 N.Y.J., December 7, 1775.
6 "The Monitor," No. 6, Ibid., December 14, 1775. He concluded on a note of open hostility: "The resolution in question is at such an infinite distance from anything we can embrace, and is clothed in such a menacing garb, that it clearly evinces the most unfriendly disposition, and claims nothing from us, but the most contemptuous inattention."
7 "The Monitor," Nos. 7 and 8, Ibid., December 21, 28, 1775.
The Road to Independence

preponderate, we see bold designs concerted with becoming resolution, and executed with answerable firmness and success. . . . Deliberation is indulged within proper bounds. . . . Activity and fortitude are the very life of great exploits, and can alone produce security in perilous and stormy times.

As the January, 1776, assembly election campaign approached its climax, "The Monitor" called for the rejection of "those whose conduct has been ambiguous and wavering" and urged the electors to extract a promise from every candidate to espouse legislative reform. He concluded with proposals for triennial assemblies and laws against "every species" of bribery and corruption.

Correspondents defended vigorously the colonial position on the political and constitutional issues of the day. In a special plea "To the Inhabitants of Queen's County, Long Island," "A plain man" reviewed the major irritants in imperial relations. Emphasizing no taxation without representation and quoting Locke on the right to possess property, the writer observed "that representation should accompany taxation is an eternal law of nature, and inseparable from the very idea of property, so that no property can exist without it: whatever is a man's own, no other person can have a right to take from him, without his consent, expressed by himself, or his representative." Although "The Monitor" essayed a comprehensive analysis of the disputes, he devoted more argument to the tax question than to any other single subject. The changing tone of these

---

8 Ibid., January 11, 1776.
9 He specified the other grievances in this order: the prohibition on making steel; the importation of Spanish and Portuguese wines through England; restrictions on the marketing of hats; the prohibition on building plating and slitting mills and tilt hammers; limitations on the marketing of wool and woolen textiles; trial of causes in Admiralty courts. Const. Gaz., November 29, December 2, 6, 1775.
10 N.Y.J., November 23, 30, 1775, January 4, 18, 1776. There is some ground for suspecting "The Monitor" to be Alexander Hamilton. Professor Broadus Mitchell subscribes to this viewpoint of Hamilton. The known Hamilton pamphlets of this period provide a basis for comparison. The
The Tide for Independence

articles connoted the stiffening of public opinion. Writing in November, the author discerned the intent of the ministry to be the "subjugation" of the colonies to parliamentary supremacy. By January "The Monitor" saw in the government's policies a consistent effort "to impose and rivet the chains of America." Notwithstanding the frequent recurrence of the taxation theme, this author also touched upon home rule and claimed the "exclusive right to regulate our internal police." Moreover, "the power of legislation," he argued, "is so necessary to preserve that of taxation, that the one cannot long exist without the other." These ideas, appearing in November and December, preceded the publication of Paine's Common Sense and their appearance suggested that they had obtained considerable currency.

Until September, 1775, the Whigs focused their criticism on the North ministry and Parliament but in that month they broadened their attacks to include the King. The Whigs proclaimed themselves the champions of constitutional monarchy as opposed to Parliament, whom they accused of enacting illegal statutes. Since George III reigned as a constitutional sovereign, he must reject unconstitutional laws. When the King sought to enforce these unlawful statutes, he acted unconstitutionally and in "very iniquitous" fashion. By opposing the royal measures, with force if necessary, the Whigs defended the Hanoverian crown, while the Tories sought to alter the constitutional basis of monarchy and to restore absolutism.

similarity of style, method of argument, and references to Hume are suggestive. Perhaps most persuasive of all is the similarity of content in "The Monitor" No. 4 on the tea tax and the Hamilton pamphlet, The Farmer Refuted.

11 N.Y.J., November 30, 1775, January 18, 1776.
12 Ibid., February 8, 1776.
Constitutionis' went so far as to assert that the King had deposed himself constitutionally by his conduct and could not be deemed lawful ruler until he stopped the war and repealed the "cruel" acts against the colonies. Although "The Monitor" wrote in similar vein about King and constitution in his second number, his twelfth production presented powerful reasons for breaking the tie to George III. This last philippic set out to destroy "superstitious veneration for dignified names," but went on to attack the institution of monarchy. "The Monitor" wrote: "the black catalogue of royal malignities would rather stimulate their [i.e., the people's] disgust than feed their admiration. They would discover that the ambition and avarice, the pride, caprice and cruelty of monarchs have been the most fruitful sources of havoc, devastation and ruin among men. They would be sensible, that those attributes of perfection they are wont to ascribe to the British sovereign, as they have no sufficient foundation in his own particular character, are altogether fancies and visions." Appearing fifteen days after Paine's *Common Sense*, this piece by "The Monitor" reflected perhaps growing public sentiment in its disillusionment with monarchy.

Letters opposing surrender to the British continued to appear in the press throughout the spring of 1776. Writers, warning against the "insidious wiles" of the North government, denounced the peace commissioners' mission as an attempt to divide and conquer. One anonymous penman, refusing to accept a British offer to repeal the "detestable" acts, questioned the faith of the ministry. He recalled to his readers the fate of those Dutch provinces in the sixteenth century that had submitted to the Spanish. Having disarmed the rebels, the Duke of Alva hanged "upwards of 15,000 of their principal gentlemen."
While the newspapers reflected one facet of revolutionary thought, they were not the only guides. Other observers testified more directly to the popular enthusiasm for the American cause. In spite of the backwardness of the Whig leaders in fortifying the port against the probable British attack, William Thompson could still write: "I am happy to find the Inhabitants of the place so far exceed the character I had of them. I never knew people so willing to assist in every military manoeuvre, and every thing that can be set on foot for the defence of the City is carried on with the greatest attention and spirit." 17 Eliphalet Dyer attributed "pannick" to "Mr Duane &c &c," but praised Isaac Sears for his role in the defensive preparations. 18 So confident was Jay of the popular strength of the revolutionary party throughout the colony that he exhorted McDougall to have the Provincial Congress levy taxes. 19 

During the first four months of 1776 the thinking of the moderate Whigs moved perceptibly closer to that of the radicals. Men like Jay and Robert R. Livingston, driven by the current of events, slowly shifted position. 20 Jay ac-
The Road to Independence

knowledged that "from the present Appearance of Things it is natural to suppose that the Sword must decide the Contro­versy—and with a View to that object our Measures should in a great Degree be taken." Livingston predicted "that another year of war and devastation will confirm me a republican. . . ." While accepting the inevitability of war, the moderates were also disturbed by the lack of "good and well ordered Governments" to counteract "that Anarchy which already too much prevails." Hugh Hughes had prodded Jay and McDougall in January on the "absolute necessity . . . for adopting some rational system of govern­ment" but it took three months for the latter to accept that necessity. The moderates' and conservatives' reaction to Lord North's plan to send commissioners to negotiate with the colonies delineated the growing divergence in their views. Jay doubted that they would have any effective power to treat and therefore acquiesced in the requirement of more vigorous armed resistance." Conservative James Duane, who disagreed with Jay, wrote Livingston: "I am unwilling that while Commissioners are daily looked for, we should

"It is generally a matter of laughter and surprize, that he could do anything so weak and ill-judged. The friends of government were provoked at being so distinguished, and the friends to liberty hung him in effigy and printed a dying speech for him." Quoted in Alexander C. Flick, Loyalism in New York During the American Revolution (New York, 1901), p. 51 from "a Letter from New York," April 12, 1776, The Remembrancer, p. 86.

21 Jay to McDougall, April 11, 1776, McDougall Papers, NYHS.
22 Livingston to Duane, February 16, 1776, Bancroft Transcripts: Liv­ingston Papers, NYPL. A month previously he had written Schuyler, "it is time we sh'd act decisively, heaven & our own vigor must support us." January 16, 1776, Philip Schuyler Papers, NYPL.
23 Jay to McDougall, April 11, 1776, McDougall Papers, NYHS. See also McDougall to Schuyler, March 7, 1776, Schuyler to McDougall, March 14, 1776, ibid.
24 Hughes to Samuel Adams, January 8, 1776, Samuel Adams Papers, NYPL.
25 Jay to McDougall, April 11, 1776, McDougall Papers, NYHS. See also William Floyd to John McKesson, May 9, 1776, Force, American Archives, 4th ser., V, 395; speech of Gouverneur Morris, May 24, 1776, Gouverneur Morris Papers, CUL. and Jared Sparks, Life of Gouverneur Morris with Selections from His Correspondence and Miscellaneous Papers (3 vols.; Boston, 1832), I, 106-7.
by any irrevocable measure tie up our hands, and put it out of our power to terminate this destructive war."

When the election of the Third Provincial Congress in April, 1776, is contrasted with the election of the Second Provincial Congress in November, 1775, the scope of the changing political mood becomes readily apparent. As compared with 80 delegates chosen to the Second Provincial Congress, the people sent 101 to the Third. Most of the counties had fully established a network of district committees in which each district had a proportionate share of the county congressional representation. The numerical increase, therefore, indicated in part widespread voting within the districts. In part also it signified the participation for the first time of all fourteen counties in the electoral process; Queens and Gloucester counties had not been represented in the Second Provincial Congress. The sterner treatment of the Queens Tories in January and February enabled the Whigs there to put together a county committee and several district committees. Finally, even though all the congressmen did not attend the session, enough did so to satisfy the quorum needs; the lack of a quorum had operated as a constant obstacle in the work of the Second Provincial Congress. All of these factors pointed toward a Third Provincial Congress that would be amenable to the adoption of firmer policies when it convened in May. However, this lay in the future.

Meanwhile, the Second Provincial Congress and its Com-

---

26 Duane to R. R. Livingston, March 20, 1776, Bancroft Transcripts: Livingston Papers, NYPL.
28 Queens and Richmond lacked committees for most districts.
mittee of Safety pursued a general course of temporization, although they did adopt some aggressive measures. Alarmed by General Lee's endeavors to interdict communication with Governor Tryon and the men-of-war, the Provincial Congress did consent reluctantly to a stricter regulation of the traffic after March 8. Resumption of the intercourse depended upon British nonmolestation of the city's supplies coming from Jersey.\(^{32}\) Furthermore, the Committee of Safety strove to check on the quantities of supplies delivered to the British vessels in order to prevent them from accumulating reserve stores.\(^{33}\) Taking advantage of congressional hesitancy, Tryon and the naval officers planned a partial blockade of the port. They fitted out two armed ships to prey on merchantmen that plied the waters between the Delaware River and Sandy Hook and to stop shipping from sailing out of the harbor. The congressional reaction to this challenge mingled new resoluteness with past fear. The Provincial Congress ordered the arming of a vessel to protect the trade lanes to Philadelphia, but it did not protest the interference with departures.\(^{34}\)

When Washington's army commenced its transfer to New York in April, the Committee of Safety acknowledged that intercourse with the enemy would have to cease. The committee told the New Jersey Provincial Congress: "As the ships of war in our harbour are daily committing acts of piracy and depredation on vessels and property of the inhabitants of the United Colonies, we apprehend orders will soon issue for stopping all farther supplies to them." It would not assume, however, the responsibility of putting the ships under a ban even though it charged the British with bad faith. The committee preferred to await the com-

\(^{32}\) Ibid., p. 249. For the details see Jour. Prov. Cong., I, 346.

\(^{33}\) Ibid., I, 372.

\(^{34}\) The New Yorkers asked the Continental Congress to provide a ship to patrol the southern half of the threatened area while they guarded the northern sector. Ibid., I, 354, 380.
mander-in-chief’s orders. When Washington in mid-April prohibited the communication between ships and shore, the committee complied willingly.\textsuperscript{35}

Although the Continental Congress had authorized the colony to raise four regiments for the Continental Army in anticipation of a British attack upon the city, the Second Provincial Congress had neglected the task. Since the Continental Congress had not assigned these troops to the invasion of Canada, Schuyler had left them under the command of New York. When Washington arrived, a delicate question of jurisdiction arose. The General’s application for information on the status of the units not only posed the problem of their command but also embarrassed the Committee of Safety, since it revealed its negligence in recruiting and arming the units. The committee admitted Washington’s prior authority and spurred the campaign to enlist and equip the troops.\textsuperscript{36}

The need for the formation of a general antiloyalist policy grew in urgency as hostilities spread. Neglect of the loyalists would permit the growth of a party that might wreck the revolutionary organization. The Provincial Congress’s request in December, 1775, for continental troops to disarm the Tories in Tryon, Queens, and Richmond constituted a tacit admission of the critical nature of the problem. An armed confrontation with the Tories was a task from which the moderates and conservatives shrank. On the other hand, if the Whigs adopted a stern policy of


\textsuperscript{36} Nettels, \textit{George Washington}, pp. 285-87; \textit{Jour. Prov. Cong.}, I, 420-21. Washington also prodded the committee on the organization of the militia for emergency mobilization. He asked the committee how long it would take to gather 2,500 men in a “sudden emergency” and pressed them to cooperate with him in planning for such an eventuality. The committee’s state of mind may be seen in its comment that “we do not at present foresee that emergency.” Conceding the possibility of the contingency, however, the committee readily set to work to fabricate the needed machinery. \textit{Ibid.}, I, 419-20.
imprisoning those suspected of hostile intentions, they would take another long stride down the road to revolution. When in March the Continental Congress passed a resolution to disarm all nonassociators, it thrust upon the New York Whigs the necessity of a decision on the Tory problem. The Committee of Safety first learned of Congress’s action when General Lord Stirling passed on to it a copy of the congressional resolve. Having read and filed the copy, the committee received its official transcript from the Congress two days later. For five days nothing happened; then on March 26 the Committee of Safety appointed a committee “to report a plan” to give effect to the Continental Congress’s decision. Having taken the first step, the committee the following day presented its proposal which the Committee of Safety unanimously approved. The resolution ordered the local committee “forthwith” to disarm all known “disaffected” persons and those who refused to sign an association which pledged them to defend the colonies by arms. If it is true that the committee advocated the use of “prudence and moderation,” it is also true that it gave the district committees a blank check to call out the militia and minutemen to assist them in carrying out the resolution. The Committee of Safety required an inventory of the arms gathered, since it contemplated the equipping of four new regiments with them. 37

Although a month later the Committee of Safety complained to the county committees about their failure to forward the arms inventories, the local organizations did carry out their instructions. 38 For example, Washington

37 Ibid., I, 375, 379, 386, 389.
38 Becker, The History of Political Parties, p. 262, interprets this letter as evidence that “the order had scarcely been attended to at all.” However, comments in the Journal and other evidence indicate that arms had been seized in New York City, Queens, Dutchess, Ulster, Westchester, Suffolk, and Albany. Moreover, the lack of inventories is no proof of committee inaction as the heretofore cited cases show. Jour. Prov. Cong., I, 411, 415, 417, 420; Force, American Archives, 4th ser., V, 1469, 1487; J. Sullivan, ed., Minutes of the Albany Committee of Correspondence, 1775-1779 and Minutes
acquired some of the guns in Ulster. The uncertainties of the communications system probably affected the committee's plans. The committee had entrusted the Albany County Committee of Correspondence's copy of its March 27 order to member Peter R. Livingston for delivery, but Albany never saw it. Instead the Albany committee, taking the initiative, wrote to New York that it had seen a resolution of the Congress for disarming Tories and solicited instructions on executing it. Meanwhile, Albany had lost more than a month. However halting, this step represented the first consistent effort to lay down a general anti-Tory policy. Beyond this, however, the Second Provincial Congress would not go.

The Provincial Congress moved cautiously in two other Tory matters. The question of confiscation arose in connection with the case of Henry Lloyd of Queens Village, Queens. Lloyd went to Boston to join General Howe, leaving his property in the hands of his nephew, John Lloyd. The Committee of Safety ordered an accurate inventory of all his property. Although the committee entrusted the property's care to John Lloyd, it forbade the nephew to transfer or sell any part of it unless by order of the Provincial Congress. While acting gingerly, the committee had exercised sovereign power in placing limits on the use of the property.

The second matter came to the reconvened Provincial Congress's attention the day before its life expired. A committee recommended the levying of a fine on all male disarmed Tories between the ages of sixteen and fifty. Since


39 Exhorting Albany to carry out the resolution without delay, the committee complained that it "expected" that Livingston had delivered their resolve "long since." Jour. Prov. Cong., I, 424, 425.

40 Becker, The History of Political Parties, p. 262 concludes that the Second Provincial Congress did not make "any serious effort to deal with loyalist opposition in a systematic or effective fashion."

these Tories could not serve now in the militia, the committee proposed to penalize them five shillings for every mustering of the militia. Instead of rejecting the plan outright, the congress voted to refer it to the Third Provincial Congress, which would meet in five days.\(^{42}\)

Factors outside the colony could precipitate distasteful dilemmas for the New York Provincial Congress notwithstanding its caution. The Continental Congress posed a knotty problem for the New Yorkers when it recommended in May the suppression of the crown’s authority and the formation of new governments. However much the provincial body might have preferred to defer consideration of the topic, it could not escape its own constituents.

Since January widespread public debate had occurred over the cognate questions of independence and a new internal government. “Salus Populi” in February declared that in the face of the crisis the people practically had abolished the old forms of government and substituted temporary ones. This fact was a potent argument for more permanent change: “Does not this shew evidently, that the forms we have hitherto lived under are by no means equal to the task of preserving our liberties, and that without such reforms as will enable them to withstand attacks we can never be safe?” Pointing in admiration to Connecticut and Rhode Island which had an elected executive, he wrote: “That form of government alone can give us security which puts all the servants of the public under the power of the people.”\(^{43}\) A handbill in the form of a petition to the Committee of Safety signed by “A Free Citizen” first appeared on the city’s streets and then reappeared in one of the news-

\(^{42}\) Ibid., I, 440.

\(^{43}\) He warned, “He who has the giving of all places in a government will always be master, if the constitution were in other respects the most perfect in the world.” Const. Gaz., February 14, 1776. Another unnamed author urged Connecticut’s form as a model. “To the Freeborn Sons of America, in General, and of Connecticut in Particular,” N.Y.P., March 21, 1776.
papers. Motivated by fear of military government on the one hand and the "ungovernable fury of a mob" on the other, "A Free Citizen" pleaded with the Committee of Safety to apply to the Continental Congress "for liberty" to establish a suitable government. 44 An unsigned piece in May dismissed reconciliation as a "painted dream" and made the question of government one of timing. Which would be more advantageous, to draw up a constitution amidst the confusion of war or to wait until peace is won? We must choose the former alternative because "there is nothing so conducive to vigor, expedition, foresight, secrecy, and everything advantageous in war, as a well regulated government." Moreover, after we have triumphed over Britain, if we have no sound government, we may have to face the twin evils of a Caesar (or Cromwell) or "mobile frenzy." Read diligently England's history after 1649, he admonished his readers, so we may not "run the risk of having our constitution finally determined by the sword." 45

Moderate opinion in the revolutionary party in April veered toward the idea, one which radicals had long espoused, of a more stable government. Jay confided to McDougall that the colony must look to the establishment of a firm government and suggested that the Second Provincial Congress begin to think about the problem. Having committed himself thus far, Jay hastened to remark that the expectation of British peace commissioners would probably delay the matter of a constitution. 46 Citing the drafting of governments in the Carolinas, William Floyd expected New York to take similar action soon. 47 Writing to Jay from Philadelphia in May, R. R. Livingston voiced the hope

44 "A Free Citizen" still hoped for a reconciliation "upon constitutional principles." Const. Gaz., April 24, 1776.
45 N.Y.L., May 9, 1776. See also "Spartanus," ibid., May 30, 1776.
46 Jay to McDougall, April 11, 1776, McDougall Papers, NYHS.
47 Floyd to McKesson, May 9, 1776, Force, American Archives, 4th ser., V, 395.
that the New York Provincial Congress understood the necessity of erecting a new government.\textsuperscript{48} Congressman Ezra L'Hommedieu of Suffolk assured his colleague General Nathaniel Woodhull that "most people" approved the idea of a new governmental form.\textsuperscript{49} On the other hand, conservatives like Duane contended that the defeat of most of the New York City radicals in the April elections for the Third Provincial Congress and the city committee demonstrated the lack of popular support for experiments in government. Therefore, Duane declared, the provincial body should not be "too precipitate" in raising the constitutional issue; rather, it should delay and see what course the other middle colonies adopted before it moved.\textsuperscript{50}

Duane's interpretation of the April balloting, if correct, is of considerable importance. It meant that public opinion opposed any effort to supplant the revolutionary committee system. An examination of the city elections, therefore, is necessary to determine the validity of Duane's claim. Four tickets were submitted to the inhabitants. The four slates carried many of the candidates in common, but the exceptions gave the election its tone. The city committee headed its list of April 13 with the men who represented New York in the Continental Congress (Jay, Philip Livingston, Francis Lewis, and John Alsop), but it excluded the fifth delegate, Duane.\textsuperscript{51} That same day a broadside by

---

\textsuperscript{48} Livingston to Jay, May 17, 1776, John Jay Papers, Iselin Collection, CUL; Henry P. Johnston, ed., The Correspondence and Public Papers of John Jay (4 vols.; New York, 1890-1893), I, 60.

\textsuperscript{49} L'Hommedieu to Nathaniel Woodhull, June 2, 1776, Force, American Archives, 4th ser., VI, 684.

\textsuperscript{50} Duane to Jay, May 18, 1776, Johnston, Correspondence of John Jay, I, 61. Duane also miscalculated the situation in Virginia in this letter. He implied that Virginia would be against changing the government, but at that very moment word was on the way to Philadelphia instructing the Virginia representatives to move for independence.

\textsuperscript{51} The ticket included five radicals (J. M. Scott, John Broome, Samuel Prince, Peter Pra Van Zandt, and James Alner), five conservatives (John Alsop, Comfort Sands, Isaac Stoutenburgh, William Denning, and Isaac Roosevelt), and eleven moderates (Jay, Livingston, Lewis, J. Van Zandt, J. Hallett, A. Brasher, J. Van Cortlandt, J. Beekman, Anthony Rutgers, E. Bancker, and T. Randall). Becker, The History of Political Parties, p. 257.
"Sentinel" circulated about town which substituted seven new choices (Alexander McDougall, Thomas Marston, John Ray, Adrian Rutgers, Robert Ray, Abraham P. Lott, and Henry Remsen) for an equal number of the committee's ticket. "Sentinel" deleted the names of the four continental delegates and three radicals (John Broome, Peter Pra Van Zandt, and James Alner).\(^{52}\) Two other tickets appeared in rapid succession.

On April 16 the Committee of Mechanics produced a modified slate. It approved "Sentinel's" excision of the continental delegates' names but did not accept his substitutes for them. It would not permit the loss of Broome, Van Zandt, and Alner whom it added to its ticket, sacrificing "Sentinel's" selection of McDougall, Marston, and John Ray. In addition the Mechanics ruled out Comfort Sands and Thomas Randall, both of whom appeared on the other two lists, to make room for Isaac Sears and William Malcolm.\(^{53}\) All three slates had one thing in common; none of them named Duane. Still another handbill appeared, this time without signature, which adopted the whole city committee bloc but substituted Duane for Alner, who was a member of the Committee of Mechanics.\(^{54}\)

At the height of the campaign a broadside by "A Sober Citizen" presented what was practically an ultimatum to the voters. He stated as if it were fact that the continental delegates, if defeated, would withdraw from the revolutionary movement and would seek pardon from the British to save

\(^{52}\) The political complexion of the "Sentinel" ticket was almost the same as the committee's slate: five radicals, four conservatives, thirteen moderates. The deletion of the continental delegation may have reflected a desire to elect a bolder group of men as well as personal ambitions. *Ibid.*, pp. 257-58; "Sentinel," April 13, 1776, Broadsides, NYPL.

\(^{53}\) The Mechanics' ticket consisted of ten radicals (Malcolm, Ray, Sears, Lott, Rutgers, Scott, Broome, Prince, P. P. Van Zandt, and Alner), three conservatives (Roosevelt, Stoutenburgh, and Denning), eight moderates (J. Van Zandt, Hallet, Brasher, Van Cortlandt, Beekman, Anthony Rutgers, Bancker, and Randall). Becker, *The History of Political Parties*, pp. 257-58; "Mechanics in Union," April 16, 1776, Broadsides, NYPL.

themselves. Facing the probability of an invasion, the city could not afford the possible disruption of the revolutionary organization which might ensue from the defection of these leading Whigs. "A Sober Citizen" accompanied this advice with a diatribe against the Mechanics' candidates whom he regarded as the principal opponents of the continental delegates. The Mechanics' nominees, he warned, possessed no property or virtue and, if elected, would bring both colony and continent into contempt. 55

The election results indicate that the electorate heeded the admonition of "A Sober Citizen," for the continental delegates and Duane won seats. Indeed, almost the whole of the city committee's ticket of twenty-one ran successfully. Alner and Prince, the exceptions, lost out to Duane and Remsen. Therefore, the principal men on the Mechanics' ballot, with one exception, suffered defeat. Henry Remsen, alone of their substitutes, won a seat, but he also had "Sentinel's" support. Furthermore, two radicals on the city committee's and Mechanics' slates, Broome and Van Zandt, defeated two of "Sentinel's" moderates. Even McDougall did not win. 56

The balloting, therefore, did not so much express a rejection of the moderates and radicals as it did a fear of disunity in the face of the enemy. Duane's interpretation of these events perhaps reflects more his desire to prevent change than it does factual evaluation.

The Whigs transformed opinions into deeds on May 24 when the New York Provincial Congress took up the subject of government as recommended by the Continental Congress. Unable to evade the issue, some deputies sought refuge in further delay, advocating another polling of the people. Taking a different tack, Gouverneur Morris pleaded in a lengthy speech for the election of a special constitutional convention. 57 Since this would have meant bypassing

55 "A Sober Citizen," April 16, 1776, Broadsides, NYPL.
The Tide for Independence

the Provincial Congress in which the moderates and conservatives prevailed, one author has said that "Morris undoubtedly represented the more radical views. . . ." No doubt many moderates and conservatives wished to prevent the writing of a radical charter and they believed the Provincial Congress to be the means of maintaining their political supremacy. Morris, however, had carefully reassured the members on this point, when he said: "Nor do I think it quite proper for us all to abandon the Senate House and leave the business to entire new men, while the country continues in its present dangerous situation." Thus the election of a convention would not open the floodgates to the radicals. Practically, of course, Morris's procedure guaranteed postponement of any labor on a draft constitution until June or July, since the election would consume a month or more.

Actually Scott's plan represented the radical approach. His proposition would have served radical ends because it proposed that the Provincial Congress should draw up the

---

57 Jour. Prov. Cong., I, 460; Sparks, Life of Gouverneur Morris, I, 97-106; Gouverneur Morris papers, CUL.

58 Becker, The History of Political Parties, p. 267. This judgment was probably influenced by Sparks's quotations from the speech which argued that the colonies were independent in fact and congress should acknowledge that fact. Despite this plea Morris's subsequent behavior was at variance with these ideas. For example, when the Committee of Mechanics presented a petition to the Provincial Congress on June 4, urging it to instruct the continental delegates to move for independence, it rejected the plea without recorded dissent. Although Morris was present, there is nothing to indicate that he favored such instructions or even that he raised the subject of independence during the discussion of the petition. Again, when on June 5 the Provincial Congress entertained the Virginia Provincial Convention's crucial letter on independence, Morris did not attempt to compel a debate, even though the Provincial Congress named him and Jay a committee to draft a reply to the Virginians. The committee's draft, which the Provincial Congress approved without dissent, was polite but evasive. If Morris disagreed with these sentiments, he did not bother to express his disapproval. Moreover, even after his return from a visit in the middle of June to Philadelphia where the fateful debate had begun and been postponed to July 1, Morris did not raise the matter on the floor of the Provincial Congress. Jour. Prov. Cong., I, 474ff.

59 Sparks, Life of Gouverneur Morris, I, 106.

60 Under the modified plan actually adopted, the colony held elections in June and the new Provincial Congress met in July.
The Road to Independence

constitution and, once having the matter under consider-
ation, it could not shunt a question of such major im-
portance into obscurity and forget it. This procedure,
therefore, would minimize delay. The united mechanics’
association welcomed Scott’s interpretation of the Provincial
Congress’s authority and expressed “astonishment” that any
doubt should arise about the power of the house to frame
the charter. 61 The record does not show that any disagree-
ment existed over the basic question of whether the Whigs
should form a government; rather, both groups assumed
the necessity of so doing but differed over timing and, there-
by, procedure.

Morris’s speech and motion on May 24 opened the pro-
ceedings on the great question. 62 Although Scott delivered
a long counterargument, he closed his speech on an inde-
cisive note that weakened his position. When he argued
for the Provincial Congress’s constitution-drafting power, he
put it negatively: “at least, it is doubtful whether they have
not that power. . . .” Having conceded the existence of
doubt, Scott recommended that the house refer this point
to committee. Since Morris had moved previously for the
appointment of a committee to draw up instructions for the
election of a constitutional convention, Comfort Sands sub-
mitted an amendment that the suggested committee “take
into consideration the Resolutions of the Continental Con-

61 N.Y.G., June 17, 1776; Force, American Archives, 4th ser., VI, 895-98.
62 According to the Journal Morris made two long speeches, the latter
of which was his rejoinder to Scott. Sparks copiously quoted a fragment of
one of them in Life of Gouverneur Morris, I, 97ff. Unfortunately, Sparks
omitted sections and altered phraseology without indicating the changes.
The printed portion is in the Gouverneur Morris Papers, CUL, and may
represent one-half the original, since its pages are numbered five through
eight. Their theme is that New York is already independent in everything
but name, that the Provincial Congress is in fact a legislature and that only
an open avowal of independence can guarantee peace and security. Since
the nature of the argument is such, it is questionable that Morris could
have intended it as a rebuttal to Scott’s contention on the Provincial Con-
gress’s powers. It is more likely a part of the first address which preceded
Scott’s.
gress of the 15th May instant, and report thereon with all convenient speed.” This substitute motion, which Scott seconded, carried with only two counties and Morris voting against. The Provincial Congress chose Scott, Jay, John Haring, Francis Lewis, Henry Remsen, John Broome, and Jacob Cuyler as the committee.\(^{63}\)

Referral of the motion transferred debate on the general question to the committee. If Scott expected the committee to limit itself to the single formulation he had proposed, he misinterpreted Sands’s amendment. The general phraseology of the motion placed no stipulations on the committee’s labors. In the committee the opposing viewpoints accepted a compromise which sacrificed Morris’s special convention but salvaged the all-important time element. Perhaps the congressmen’s desire to be both legislators and constitution-drafters may have figured in the abandonment of the constitutional convention. If they adopted Morris’s plan, the Provincial Congress would have to recess until after the convention had completed its work. That might entail the absence of any legislative body for several months in a period of rapidly increasing danger. If the Provincial Congress remained in session, the members could not serve in the convention. In order, therefore, to keep the reins in their own hands and to still the misgivings they themselves had raised, they recommended the election of a new congress whose members would specifically have the people’s mandate to form a new government. Naturally the polling process would delay any constitutional action until the end of June or early July.

In its report to the house on May 27, the committee presented a series of conclusions on which it based its recommendations that new elections be held. This report is of the utmost importance because there is a major difference

\(^{63}\) *Jour. Prov. Cong.*, I, 460.
between it and the final resolutions. The fourth clause of the report summarized the events that dissolved the royal government and concluded: "whereby, it hath become absolutely necessary for the good people of this Colony to institute a new and regular form of internal Government and Police. . . ." The seventh and eighth clauses repeated this clear and unequivocal determination to replace the government. The seventh called on the people to declare the present members "competent for the purpose of establishing such new form of internal police and government" or to choose others "with express authority to institute and establish such new and internal form of government." The eighth reiterated the phrase, "with express authority to institute" a new government.64 Having approved the report without any modification, the Provincial Congress accepted, therefore, the concept that the mode of governing must be changed; it would not debate whether any change should be made. The house committed the report to Scott, Jay, and Haring to convert it into formal resolutions.65

When the report emerged from the committee on May 31, the key ideas expressed in the fourth, seventh, and eighth sections had undergone subtle but substantial modification. The resolves consolidated these sections into a single resolution which ran:

That it be recommended to the electors . . . either to authorize (in addition to the powers vested in this Congress) their present Deputies, or others . . . or either of them, to take into consideration the necessity and propriety of instituting such government as in and by the said resolution of the Continental Congress is described and recommended. And if the majority of the Counties by their Deputies in Provincial Congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as

64 Ibid., I, 462-63.
65 Ibid. Becker, The History of Political Parties, p. 269 incorrectly places Remsen on this committee.
they shall deem best calculated to serve the rights, liberties and happiness of the good people of this Colony. . . .66

Did the resolution mean that the newly elected congress would proceed immediately to the task of drafting a constitution? Or did it mean that the newly elected congress would proceed immediately to debate whether or not they should draft a constitution?67 The phraseology implied that congress would consider first whether it ought to establish a new government. The drafting committee, therefore, had reopened the question, but the Provincial Congress passed the resolution without discussion and without a recorded vote.68 In whatever manner the people interpreted this recommendation, they seem to have assumed that a new government would replace the committee system.69

After the Provincial Congress published these resolves, public protest arose, but it did not strike out against the authority requested nor the procedure laid down. The sole organized criticism came from the Committee of Me-

---

67 Becker, The History of Political Parties, p. 269, considers the ambiguity to be in the sentence beginning “And if the majority of the Counties” and implies that this election was to be a referendum in which the possibility of a “no” vote existed. Taking the phrase in the context of the preceding sentence, it is apparent that the “majority of the Counties” referred to is the majority of county delegations voting on this question in the Provincial Congress. It is not a majority of the electors instructing their deputies. William Smith understood the resolution to mean that the deputies in the Provincial Congress would discuss the necessity for instituting a new government. Moreover, Jay, for example, had no doubt whatsoever that the people would grant the requested power to the Provincial Congress. William H. W. Sabine, ed., Historical Memoirs from 16 March 1763 to 9 July 1776 of William Smith (New York, 1956), p. 282; Jay to R. R. Livingston, May 29, 1776, Robert R. Livingston, American Art Association Catalogue, Revolutionary Letters of Importance: The Unpublished Correspondence of Robert R. Livingston (New York, 1918), No. 25; Johnston, Correspondence of John Jay, I, 65.
68 Jour. Prov. Cong., I, 469.
69 Two penmen, “Spartanus,” letter II, and “Columbus,” N.Y.J., June 13, 1776, exhibited no doubts. The former commented, “As we are to assume a new mode of Government, I think it ought properly to be new.” The latter said, “The subject upon which we are now to deliberate . . . is the election of proper persons to form a new mode of Government for this Colony.”
chanics, which sent to the Provincial Congress a discursive but provocative letter that throws some light on the political thinking of the lesser merchants, tradesmen, mechanics, and laborers. Admission, the communication stated, open opposition to the resolutions by the Mechanics might offer a lever to the "indefatigable" emissaries of the British or might confuse numbers of the people and dangerously weaken popular support of the revolutionary cause. But, the Mechanics explained, they risked these consequences because they conversed daily "with numbers who have been deceived" by the misinterpretation of the resolutions. Many believed that the Provincial Congress would not submit a new charter to the people for ratification. "They are terrified at the consequences, although a sincere zeal for the general cause inspires them to suppress their remonstrances, lest the common enemy should avail himself of that circumstance to undermine your [i.e., the Provincial Congress's] authority." Impressed with a just fear of the consequences which flowed from this misconception, the Mechanics pleaded with the Provincial Congress for a "full and timely explanation" to put an end to the "groundless jealousies" of their "patriotick Resolve."

Having justified their right to evoke the question, the Mechanics entered into a detailed exposition of the people's "inalienable right" to ratify a constitution. This was the "birthright of every man" which God had given to him. Although every individual did not possess the prerequisites for constitutional labors, God-given common sense would enable him to determine "what degree of safety and what advantage he is likely to enjoy, or be deprived of" under any proposed constitution. Should the people delude them-

The Tide for Independence

selves into a renunciation of their right to ratification, such an “impious and frantick act of self-destruction” would cast them into “absolute slavery” and would destroy the Provincial Congress’s “lawful power” over them. Of this dual outcome the committee observed: “It might probably accelerate our [i.e., the people’s] political death; but it must immediately cause your own.”

The Mechanics also took cognizance of the empowering clause in the congressional resolutions. The ambiguity of the language did not trouble the Mechanics, but the implication that the Provincial Congress would establish the new government without submitting it to the people for confirmation did. The committee chose to believe, however, that since the Provincial Congress had stated the right of the people to determine existing doubts of constitutional authority, it could not have intended to obtain a surreptitious renunciation of that right: “Human nature, depraved as it is, has not yet, and we hope never will, be guilty of so much hypocrisy and treachery.” On the contrary, the Mechanics deemed the questionable resolution to be “perfectly consistent with the liberal principles on which it is introduced.” In support of their interpretation they quoted a much-elided version of the clause: “if the majority of the Counties shall be of opinion that such new Government ought to be instituted, then to institute and establish such a Government.” Although this was quoting out of context with a vengeance, it presented the Provincial Congress with an acute dilemma. If it denied this meaning of the passage, then the people could accuse it of “promoting the selfish views of . . . oligarchy.” On the other hand, if the Provincial Congress accepted the Mechanics’ explication, the people would regard its acceptance as a pledge to refer the constitution to the people for ratification.72

72 They warned the Provincial Congress: “Posterity will behold that Resolve as the test of your rectitude. It will prove that you have fully restored
By implication the Committee of Mechanics raised the question of class power and condemned rule by an elite. Expounding on the necessity and propriety of reliance upon the "sound judgment, integrity, and moderation of a free people," the letter confuted emphatically the idea that any man or men could draft a constitution to which a majority of the people would have no objections whatsoever. The people's free assent constituted the "only characteristick of the true lawfulness and legality that can be given to human institutions." Any other procedure smacked of the "illegal and tyrannical" and proceeded "from the selfish principles of corrupt oligarchy." Furthermore, fundamental law derived in this arbitrary fashion "could be lawfully binding on none but the legislators themselves."

There was a bold but ambiguous statement on the consequences of British rule and this might have suggested to the elite that their worst fears of the "licentiousness" of the people were about to materialize. Asserting that the British had deprived the colonists of the right to determine their own laws, the Mechanics argued that existing laws "have but a relative legality, and that not one of them is lawfully binding upon us." They added, however, that most of these laws should be "tolerated" for "common convenience" until a new government "shall have been freely ratified by the co-legislative power of the people, the sole lawful Legislature of this Colony." Allegations of this nature suggested to us the exercise of our right finally to determine on the laws by which this Colony is to be governed: a right of which, by the injustice of the British Government, we have till now been deprived. ..." Force, American Archives, 4th ser., VI, 895-98.

These passages implied a concept of majority rule, a concept which the committee did not adequately define. Speaking of the ratification process, the Mechanics argued for submission of a constitution "to the collective judgment of all the individuals who might be interested in its operation." The words "interested in" are used in the sense of affected by. This interpretation is supported by a prior passage in which the authors spoke of the God-given right of the "inhabitants at large" to accept or reject the constitution. *Ibid.*
that Mechanics would not accept a return to the status quo ante and perhaps that they had changes to propose in political and economic relations.

Finally, the power to ratify connoted the power to amend the fundamental law whenever the majority should choose. Associated with this authority was the right of the people to recall their deputies to committees and congresses when a majority in such "district shall think fit."

Despite these strictures the communication welcomed the resolutions and extended to the Provincial Congress "that tribute of esteem and respect to which you are justly entitled for your zeal in so nobly asserting the rights which the people at large have to legislation, and in promoting their free exercise of those rights." At the same time the Mechanics pledged their continued support for the Provincial Congress.

Its reaction to this letter was extraordinary. The Provincial Congress customarily read its correspondence and entered it in the Journal. Indeed, a previous Mechanics' letter of May 29 did receive this treatment, but the congressmen did not adhere to the precedent. There is no notation in the Journal of the receipt of the letter or of any discussion of it. Since the Provincial Congress did not ultimately submit the constitution to the people for ratification, it is perhaps possible that some of the deputies never intended to have the people affirm it and, therefore, managed to bury the letter of the Mechanics. Failing to obtain any response

---

74 Ibid.
75 They maintained, likewise, their right to express their opinions "with propriety" and to rely "on public indulgence for any imperfection." The defensive and apologetic tone of the letter is an interesting expression of a consciousness of social inferiority.
77 The Provincial Congress must have received the letter, since it was found among that body's papers and published with its papers along with the Journal. Moreover, it is quite likely that a group of leaders of the Committee of Mechanics presented their letter in person, since they had followed this procedure with their first letter on May 29. Ibid., II, 241-43.
from the Provincial Congress, the Mechanics presumably sent their letter to the newspapers to place the issue before the people. In the city’s military atmosphere in June, 1776, and with most of the populace evacuated, the Mechanics aroused little response from the people on the ratification dispute.

Both inside and outside the Provincial Congress men saw the interrelationship of the issues of a new government and independence. It was impossible to discuss the one without implying the other; they were two sides of the same coin.

Although the people read occasionally about some aspects of the government question in the newspapers, they read about, and probably discussed, even more frequently the correlative issue of independence. Even though no formal debate on this question had occurred in the Third Provincial Congress, New Yorkers had read the pros and cons of the subject in the newspapers for five months. "Lycurgus" introduced the topic in the press in late December, 1775, when he castigated the Pennsylvania Assembly for forbidding their delegates to the Continental Congress to vote for independence. 79 He did not espouse the opposing position, but contended that the blank prohibition bound the delegation when no one could foretell what would be necessary in the future. Although "Lycurgus" discussed independence obliquely, "Memento" confronted it squarely and unhesitatingly advocated separation rather than submission to the British "yoke." 80 Paine's Common Sense inspired

78 Subsequent events gave the advantage to the Mechanics’ opponents. The rapid exodus of the population in June would have hampered any large-scale effort to bring pressure to bear on the Provincial Congress. Also the appearance of the British at the end of the month threw everything into turmoil; the Provincial Congress adjourned hurriedly and left the city.
79 N.Y.J., December 21, 1775.
other letters which advocated an end to colonialism. "Independent Whig" saw nothing to lose and everything to gain by separation. The North administration is convinced we mean to be independent, he reasoned, and we shall lose no friends by asserting our intent. As for those in Parliament who have opposed the North measures, we shall experience small loss by their alienation. For all their friendship for America they have proved incapable of blocking the policies of the government.\textsuperscript{81} "Candidus," assailing British regulation of land, commerce, and manufactures, concluded that the colonial system sought to "milk rather than to suckle" the colonies.\textsuperscript{82} Turning his wrath on colonial officialdom, he accused them of carrying on "their oppressions, vexations and depredations" under the color of royal authority.

Hardly a week passed from late February through June in which the newspapers did not carry at least one contribution to the great controversy. The writers reviewed the causes of the crisis and the constitutional relations of the colonists to crown and Parliament.\textsuperscript{83} One of the authors disclosed the progress of the sentiment for independence by elaborating the stages which public opinion had traversed. Events compelled the people to abandon these positions as illusory:

That the King can do no wrong; that the interests of Great Britain and the colonies were the same, reciprocal and inseparable; . . . that the King was imposed upon by his ministers; that a change in administration would rectify the evils complained of; . . . that our friends throughout the nation would return a better parliament than the last; that the act declaring

\textsuperscript{81} N.Y.J., February 22, 1776. See also anon., \textit{ibid.}, March 7, 1776; "Z. F.," \textit{N.Y.P.}, March 7, 1776.
\textsuperscript{82} \textit{Ibid.}, March 21, 1776. See also anon., \textit{ibid.}, April 18, 1776; Force, \textit{American Archives}, 4th ser., V, 974-77.
their right to tax us in all cases whatsoever, would not be carried into execution, . . . that the several repeals and seeming alterations in their plan of conduct, proved a relinquishment of any evil intentions; . . . that we have no resources to carry on a war; that jealousies and opposition of interests would ever prevent a junction of the colonies.\textsuperscript{84}

A notable alteration of content in these polemics occurred toward the close of April. No writer any longer questioned the propriety of independence. When differences cropped up, they revolved around the timing of the separation. The letter writers pronounced the present as most propitious for independence and warned against delay.\textsuperscript{85}

Notwithstanding the inaction of the Provincial Congress, the Tories feared the worst. "There is a great talk of independence, and the unthinking multitude are mad for it; but how matters will terminate, I cannot judge, but believe great will be the opposition [in the Provincial Congress] to such a declaration. A pamphlet called Common Sense, has carried off its thousands; an answer thereto is come out, but instantly seized in the printer's shop, and burnt in the street, as unfit to be read at this time. I fear, from this line of conduct, the people here will shake you off, and, once gone, will never be regained."\textsuperscript{86}

Try as some deputies might, they could not avoid the issue of independence. Gouverneur Morris spoke at length

\textsuperscript{84} Anon., \textit{Const. Gaz.}, March 9, 1776.

There is some evidence for believing that the prevalence of these pro-independence letters was directly proportional to the general sentiments of the populace. Britisher Ambrose Serle expressed amazement at the "incredible influence" of the newspapers in New York. "One is astonished to see with what avidity they are sought after, and how implicitly they are believed, by the great bulk of the people." Serle to Dartmouth, November 26, 1776, Benjamin F. Stevens, ed., \textit{Facsimiles of Manuscripts in European Archives Relating to America, 1773-1783} (25 vols.; London, 1889-1898), XXIV, No. 2059.

upon the topic in May in the course of the debate on creating a new government, but the question of independence was not on the order of the day. The Committee of Mechanics, however, raised the question when it drew up an address to the Provincial Congress urging that body to instruct the delegates at Philadelphia to work for independence. 87 Although the letter of the Mechanics bore the date of May 29, the committee did not present it to their representatives until June 4. Presumably, the Mechanics delayed delivery until they had word of the decision of the Provincial Congress on the matter of government. If so, an item in the New York Gazette of June 3, in which also appeared the government resolutions of the Provincial Congress of May 31, must have stirred them. The news was the text of the Virginia resolutions, which instructed the continental delegates of that colony to move for independence. 88

The reaction of the Provincial Congress to the letter of the Mechanics revealed clearly the sensitivity of that body to the question of independence. When the delegation from the Mechanics in Union, led by its chairman, Lewis Thibou, entered the house and presented the address, the Chair first cleared the house of all spectators so that it might be determined whether it was “proper” to receive the memorial. Having “inspected” the document, the congressmen opened the doors and invited Thibou to read it to the house. Although the Journal neither mentioned any time lapse in the inspection process nor described what the Provincial Congress did, the house handed Thibou a formal, detailed reply when he finished reading the letter of the Mechanics. 89

87 Becker, The History of Political Parties, p. 270.
88 N.Y.G., June 3, 1776.
89 Jour. Prov. Cong., I, 474. The vagueness and brevity of the record suggest abnormal procedure. Normally all motions and resolutions were entered in the Journal. The Provincial Congress could not have drawn up the reply without some motion or order which it ought to have recorded, but none appears in the Journal.
The answer betrayed resentment at the political activity of the Mechanics: "We flatter ourselves, however, that neither that association, nor their Committee, will claim any authority whatsoever in the public transactions of the present times; but that, on the contrary, they will ever be ready to submit to that constitutional authority which, by a free election, has been vested in Congress and Committees."\(^90\)

The point was wholly gratuitous, since the Mechanics not only had not claimed such authority, but had been very deferential: "We as part of your constituents . . . beg leave in a dutiful manner at this time, to approach unto you our Representatives, and request your kind attention to this our humble Address . . . should you . . . think proper to instruct our most honourable Delegates . . . it would give us the highest satisfaction; and we hereby sincerely promise to endeavour to support the same with our lives and fortunes."\(^91\) The Provincial Congress then declined to accede to the Mechanics' plea:

We are of opinion that the Continental Congress alone have that enlarged view of our political circumstances, which will enable them to decide upon those measures which are necessary for the general welfare; we cannot presume, by any instructions, to make or declare any resolutions, or declarations, upon a so general and momentous concern; but are determined patiently to await and firmly to abide by whatever a majority of that august body shall think needful. We therefore cannot presume to instruct the Delegates of this Colony on the momentous question to which your address refers, until we are informed that it is brought before the Continental Congress, and the sense of this Colony be required through the Congress.\(^92\)

\(^90\)Ibid. Since these remarks were completely irrelevant, they may have served the dual function of inhibiting the Mechanics' political aggressiveness and of obscuring the key issue, which was not any Mechanics' claim to authority but the Provincial Congress's refusal to move on the question of independence. The Mechanics later asserted their right to speak up when they saw fit. Mechanics to Provincial Congress, June 14, 1776, ibid., II, 243.

\(^91\)N.Y.J., June 6, 1776; Const. Gaz., June 5, 1776; Force, American Archives, 4th ser., VI, 615.
The Tide for Independence

The Third Provincial Congress's disinclination to act on independence seems to have dashed the hopes of the enthusiasts, who began to look toward the election of the Fourth Provincial Congress to remedy the colony's laggardness.93

Meanwhile the Virginia Provincial Convention, taking steps to win support for its decision to introduce an independence resolution in Philadelphia, posted off a letter to New York which solicited the latter to give the Virginia resolves due "consideration." The New York Provincial Congress received this letter June 5, two days after the resolves had appeared in the Gazette. Drafted by Jay and Morris, the answer constituted a polite evasion. The firmest commitment in the message was a pledge that the resolves "will be considered . . . with all the deliberation due to the importance of the subject." Perhaps to offset the indefiniteness of its response, the Provincial Congress concluded in a tone of affirmation: "the Congress of this Colony will invariably adopt and pursue every measure which may tend to promote the union and secure the rights and happiness of the United Colonies."94

92 Italics mine. The italicized passage does not appear in the letter as published in the press, but appears only in the Journal's version. This passage and the following sentence are in fact mutually exclusive. Since the Continental Congress delegates could not act without instructions from their provincial congresses, a decision on independence could not be taken until colonies like New York instructed their deputies for it. It is inconceivable that the Provincial Congress could have thought that the people did not know this fact. It is not unlikely that these words were the consequence of the haste with which it drafted its reply to the Mechanics. Perhaps some members noticed the inconsistency when they prepared copies of the letter for the newspapers and deleted the clause. Jour. Prov. Cong., I, 474; N.Y.J., June 6, 1776; Const. Gaz., June 5, 1776.

93 Colonel Jedediah Huntington wrote Governor Trumbull of Connecticut, June 6, 1776. "The mechanicks of the city have voted independence; it is expected the new Congress will follow suit. There will be, I am told, a majority of Presbyterians, which will probably give the representation a different guise from what it has heretofore had." Force, American Archives, 4th ser., VI, 725.

94 The Journal is so cut and dried that it is impossible to determine whether there was any opposition to the substance. Jour. Prov. Cong., I, 475, 481.
Unlike their colleagues at home, the New York delegation in the Continental Congress could not avoid the question of independence. Virginia presented its motion for independence June 7 and the debate flowed on through June 10. None of the New Yorkers seems to have sanctioned independence, at least not at that juncture, but they divided as to whether they had the power to cast any vote or only a negative vote on the motion. Undaunted by his voteless status, Robert R. Livingston joined James Wilson of Pennsylvania, John Dickinson of Pennsylvania, and Edward Rutledge of South Carolina in the opposition to independence. Averring their approbation of the measure and admitting the impossibility of a return to the status quo ante, they insisted, nevertheless, that the most propitious moment had not arisen. Let "the voice of the people drive" Congress to it, they said. As for New York, Livingston maintained that the people of that province were not yet "ripe" for the break but that they were "fast ripening."


When the Continental Congress resumed the discussion July 1, the New Yorkers assured their colleagues that they approved the declaration and "were assured their constituents were for it." McKean of Delaware, long after the event, positively stated that Wisner voted for independence July 2. Since New York cast no vote, he may have meant that Wisner approved independence. Edmund C. Burnett, The Continental Congress (New York, 1941), p. 184; Julian P. Boyd, et al., eds., The Papers of Thomas Jefferson (16 vols.; Princeton, 1950—), I, 514; Burnett, Letters, I, No. 753, n. 3.

The June 8 letter of the New Yorkers contained this interpretation of their authority: "Some of us consider ourselves as bound by our instructions not to vote on that question. ..." Since none of them seems to have been thinking of voting "yes," the implication is that some thought they had the power to vote "no." Jour. Prov. Cong., I, 488. For a different view, see Becker, The History of Political Parties, p. 271.

delegates; they felt keenly their inability to participate in the balloting on the Virginia resolve. Since the source of their authority was the Provincial Congress, on June 8 the Yorkers drafted a letter in urgent terms to that body in which they requested instructions on how to cast the colony's vote on the motion for independence. 97

The plea from Philadelphia for directions produced a stir in New York. When the continental delegates' letter reached the city on the morning of June 10, the Third Provincial Congress promptly resolved itself into secret session to deliberate on the matter, but it deliberated inconclusively. 98 Late that afternoon the deputies wrestled again with the problem, wrangling over the interpretation of the New York Provincial Congress's powers, the continental delegates' powers, and the election resolutions of May 31. The last item provided Jay with a stratagem to postpone any decision until the Fourth Provincial Congress would meet in July. On the next day he introduced two resolutions which the congressmen amended and passed unanimously. The first of these declared "that the good people of this Colony have not, in the opinion of this Congress, authorized this Congress or the Delegates of this Colony . . . to declare this Colony to be and continue independent of the Crown of Great Britain." 99 The second resolve proposed that the people at the June election invest their representatives with sweeping discretionary power "to delib-

97 Becker, *The History of Political Parties*, p. 271. In view of the supreme importance of the independence question, one would suppose that the representatives would have explained to their colleagues in New York that the debate had begun. That would have been the fact of the matter, since they dated their letter June 8, the second day of disputation, and one of them had participated in the exchanges. Nevertheless, they gave no intimation of this state of affairs: "Your delegates here expect that the question of Independence will very shortly be agitated in Congress . . . and all wish to have your sentiments thereon. The matter will admit of no delay." *Jour. Prov. Cong.*, I, 488.

98 Ibid. The resort to secrecy was a cardinal indication of the majority's attitude toward independence.

erate and determine on every question whatsoever that may concern or affect the interest of this Colony, and to conclude upon, ordain, and execute every act and measure which to them shall appear conducive to the happiness, security and welfare of this Colony. . . .” The final clause recommended the electors to “inform” their deputies of their “sentiments” on independence.

Having chosen a means to prevent any positive action until the newly elected legislature met, the Provincial Congress reversed itself and nullified its unanimous agreement. It voted to postpone publication of the resolutions until after the elections. Since the resolutions could not take effect without the elections, it would have to revise the resolutions at a later date to provide for a special referendum on the matter of independence. If this were not true, the motion to postpone publication rendered the resolves meaningless.101 The parliamentary meaning of the postponement was that the Provincial Congress had moved to reconsider the previously adopted motions. However, such immediate reconsideration was a violation of the house’s rules of procedure: “That after the determination of any matter or thing, the same shall not be resumed but with the consent of such majority as aforesaid, upon notice of a motion for that purpose, previously given at least one day before the same is made.”102 Nevertheless, after empowering Jay and Remsen to “draft an answer” for the direction of the Philadelphia deputies, the house dropped the whole subject.103

The Jay-Remsen draft denied the colony’s delegates any authority to vote on independence. If the Provincial Congress formally approved the letter, it did not record its action.

100 Jour. Prov. Cong., I, 490.
102 Italics mine. The rules adopted by the Third Provincial Congress are in the Journal, I, 450.
103 Ibid., I, 490.
in the Journal. The reply reiterated the sense of the first resolution on the lack of power to act. It professed to see that the question of independence would be divisive within the province and would exercise "an unhappy influence" on the cognate question of a new government should both problems be submitted simultaneously to the electorate. Hence it would be "imprudent" to obtrude the first matter upon the people.\textsuperscript{104} The Provincial Congress assured its representatives that "the earliest opportunity will, however, be embraced of ascertaining the sentiments of the inhabitants of this Colony on that important question..."\textsuperscript{105}

Since Livingston and his associates in Philadelphia knew that the Continental Congress would resume the subject of independence July 1, this information from New York must have made it clear that they would be without power to vote on the question. The delegates knew that the scheduled elections would occupy the third, if not also the fourth, week of June. Therefore, they could not receive their authorization to vote before July 1. Proof of the delegates' knowledge of the situation in New York derives from the following. Jay specifically promised Livingston that he should have the "earliest advice" of the May 31 resolutions on forming a government. Two of the Continental Congress delegation, Alsop and Lewis, who had visited home, did not set out for Philadelphia until June 1, so they possessed all the necessary information. Moreover, Gouverneur Morris arrived in Philadelphia June 10, so there was no dearth of news from the Provincial Congress.\textsuperscript{106} Nonetheless, when the delegates acknowledged receipt of this

\textsuperscript{104}Force, American Archives, 4th ser., VI, 814; Becker, The History of Political Parties, p. 271. Becker incorrectly uses "inexpedient" for "imprudent."

\textsuperscript{105}Force, American Archives, 4th ser., VI, 814.

letter of instructions, they did not inform the Provincial Congress of their lack of time nor did they exhort that body to move swiftly to hold the referendum.

The New York delegation's comportment contrasted unfavorably with that of the Maryland delegation. Writing to their council of safety, the Marylanders observed that Congress had delayed a vote on independence for three weeks in order to give some delegations an opportunity to consult their "constituents." They urged the council to call the provincial convention into session that that body might express the sense of the people on the subject. As late as June 27 the New Yorkers had occasion to correspond with their congress but made absolutely no mention of the impending deadline.107

If the Provincial Congress could have demonstrated its ignorance of the events in Philadelphia, it might have technically justified its actions, but the contrary was the case. Edward Rutledge, writing Jay on June 8 from Philadelphia, described the course of the arguments and told of his fear of being unable to block a victory for independence. It is even possible that Rutledge dispatched his letter in care of the same express rider who carried the New York delegation's letter of the same date. In that event Jay would have received it June 10. Even if this were not true, there is other evidence to consider. When the Continental Congress suspended discussion of the question, it appointed a committee to draft a declaration and set July for resumption of the argument. Since Gouverneur Morris was present in Philadelphia from the final day of debate, June 10, until June 13, it is inconceivable that Livingston, a close friend, did not tell him of the whole business. Indeed, Morris may very well have attended Congress, since he bore a special letter from New York to the President of Congress. In view of the fact

that in May Morris had urged the necessity of independence, it is remarkable that upon his return to New York on June 15 he made no effort to reintroduce the matter in Provincial Congress. Thus at least two leading members of the New York Provincial Congress were cognizant of the crucial nature of affairs in Philadelphia but did nothing to enable their delegation to participate in the voting.\textsuperscript{108}

Although the June elections came and went, no one in the Provincial Congress moved to reconsider the resolutions of June 11. Indeed June faded into July without a word on the subject. Whatever the intentions of the congressmen may have been, their conduct displayed a dubious standard of responsibility toward their constituents. It will be recalled that they had implied to the people that they would instruct the colony's delegates when the question arose on the floor of the Continental Congress.\textsuperscript{109} But they did not fulfill their promise.\textsuperscript{110} When the British invasion fleet hove in sight, they voted to meet in White Plains July 2 and hastily adjourned. Jay, who was in Elizabeth Town, reacted angrily to this news: "to my great mortification am informed that our convention influenced by one of G. Morris vagrant Plans have adjourned to the White Plains to meet there Tomorrow. This precipitate ill advised Retreat I fear will be not a little injurious to the publick. . . . This Stroke of Morrisania Politics quite confounds me."\textsuperscript{111} Not being able to assemble a quorum on July 2, the Third Provincial Congress expired without committing the colony to independence.

These Fabian tactics probably owed part of their success

\textsuperscript{108} Johnston, Correspondence of John Jay, I, 66, n. 1; Jour. Prov. Cong., I, 496.
\textsuperscript{109} See above, p. 164.
\textsuperscript{111} Jay to Livingston, July 1, 1776, from John Jay by Frank Monaghan, copyright 1955 by the Bobbs-Merrill Company, Inc., R. 1962 by Frank Monaghan, reprinted by permission of the publishers, p. 83; Livingston, Revolutionary Letters of Importance, No. 27.
to the disorganized state of the city and countryside. Washington had converted the port into an armed camp, and most of the able-bodied males were in the army. By June most of the noncombatant population had left the city for safer regions. In this abnormal state, the radicals could not have brought decisive pressure to bear on the Provincial Congress. Furthermore, the revelations of the Tory plot against Washington monopolized so much attention and energy that there was little opportunity to call public meetings on the question of independence. Perhaps the lack of strong leadership by the Provincial Congress on this issue retarded any independent steps by the people elsewhere in the province. Be it noted, however, that in some districts in Albany County the people seized the initiative and voted for independence on June 24. Elbridge Gerry of Massachusetts thought that the people of the colony had outstripped their political leaders: "I do not affirm that either of these [i.e., New York and Maryland] are of the neuter gender; but on the other hand am persuaded the people are in favour of a total and final separation, and will support the measure, even if the Conventions and Delegates of those Colonies vote against it." 

If popular opinion approved independence, why did the Provincial Congress shy away at the mention of the word?

---

113 At King's District "a full meeting of the inhabitants" voted unanimously for independence. A similar meeting occurred in Spencer Town. N.Y.P., July 4, 1776; Force, American Archives, 4th ser., VI, 1056.
114 Gerry to James Warren, June 25, 1776, ibid., 4th ser., VI, 1067.
115 Becker, The History of Political Parties, pp. 272-78, sums up the situation in this manner: "The cause was simple: affairs in that province were directed by cautious and conservative politicians, who, in the face of an armed foe and surrounded by domestic enemies, were determined to preserve the essential features of their ancient political system from what they conceived to be monarchical encroachments on the one hand, as well as from rash democratic experiments on the other. And this achievement, if it could be effected, they were determined should be formally declared by the colony and not by the United Colonies.

"How much weight the latter consideration had, it is impossible to say."

By June of 1776 the threat of "monarchical encroachments" no longer had any bearing on whether to hasten or delay independence. As Becker
The Tide for Independence

Many of the influential personages may have felt as did Livingston: "though at present I wish to join hands with a nation which I have been accustomed to respect, yet I am persuaded that the continuance of the war will break my shackles. . . ." 116 Accompanying this reluctance to break with tradition was a realization of the cost of the war in lives and property. Furthermore, since their leaders asked the people to make these sacrifices for the sake of freedom, might not internal disturbances arise over questions of local reform? Some symptoms of discontent had appeared already. 117 In the critical days of late June "Spartanus" had himself admitted (p. 266) the Continental Congress's resolutions of May 15 "could have but one sequel, the declaration of independence. . . ." Thus when New York approved these resolutions May 31, the conservatives accepted the same destiny. Furthermore, as the above pages have shown, the New York leaders privately had seen the logic of events, but other factors deterred them. The latter part of Becker's argument is difficult to follow. The only way in which New York could preserve for itself the right to declare independence would be to do so before the Continental Congress, as did Rhode Island in May. If the Yorkers thought that their opposition would prevent the Congress from acting, they ran the risk of isolating their colony. With the Continental Army occupying New York, such a policy would indeed have been rash, and rashness was not characteristic of these men.

116 Livingston to Duane, February 16, 1776, Bancroft Transcripts: Livingston Papers, NYPL.

117 Some of the Dutchess County tenantry were demanding improved leases. Henry B. to R. R. Livingston, May, 1775, Livingston, Revolutionary Letters of Importance, No. 30.

The method of choosing the continental deputies became a controversial matter. In 1775 some of the counties chose their own representatives for Continental Congress, but the provincial convention overruled these choices and selected a representation for the whole province. The issue rose again in 1776 when the Mechanics demanded that right for the people. So bitter was the controversy in Ulster County that the Provincial Congress had to choose between the two sets of credentials: one that reserved the right to the people to elect continental deputies, another that authorized the provincial deputies to do so. None of these challenges succeeded. Becker, The History of Political Parties, p. 256; N.Y.J., August 24, 1775, April 4, 1776; Jay to McDougall, April 11, 1776, McDougall Papers, NYHS; Jour. Prov. Cong., I, 460, II, 199-200. See below, p. 205.

Some of the local committees ignored the property qualifications for voting. Sullivan, Minutes of the Albany Committee, II, 1030. On the same subject, Robert G. Livingston to Gilbert Livingston, January 1, 1782, Gilbert Livingston Papers, NYPL.

The practice of voting by secret ballot took root in some counties. New York General Committee to the People, N.Y.J., April 11, 1776; Robert Boyd, Jr. to Clinton, July 3, 1776, George Clinton, Public Papers of George Clinton, First Governor of New York (10 vols.; Albany, 1899-1914), I, 244.
warned newspaper readers to beware of those who have dragged their heels but now “speak fair.” Let them gain power, he wrote, and they will subject the people “to a tyranny and oppression . . . not much better” than the British.\textsuperscript{118} Early in 1775 William Smith cautioned Schuyler about the hazards of a Pandora’s box: “Why raise a military spirit that may furnish unmanageable adventurers on this side of the water unfriendly to a province in which you and I have something else to lose?”\textsuperscript{119} James Duane expressed concern about “licentiousness” and the “means of assuring the Reins of Government when these Commotions shall subside.”\textsuperscript{120} McDougall worried over the dual dangers of the “licentiousness of the people” and of the army. “The former feel their own liberty in the extreme,” he wrote to Jay; a sentiment with which the latter concurred.\textsuperscript{121}

Probably one of the chief reasons for the excessive caution of the New Yorkers in the Provincial Congress was their fear that the consequences of an unsuccessful rebellion would be confiscation of property and execution. John Adams, Richard H. Lee, and George Wythe accused New York of hanging back “that their particular prospect might be better even in the worst event.”\textsuperscript{122} In a private conver-

\textsuperscript{118} Quoted in Becker, The History of Political Parties, p. 267; “Spartanus,” N.Y.J., June 20, 1776; Force, American Archives, 4th ser., VI, 996.

\textsuperscript{119} Smith to Schuyler, May 16, 1775, Schuyler Papers, NYPL; Benson J. Lossing, The Life and Times of Philip Schuyler (2 vols.; New York, 1873), I, 321-22.

Two months later Schuyler incorporated a draft by Smith in orders issued to the troops in New York City. Among the ideas voiced was this: “Let us evince to the world that in contending for liberty we abhor licentiousness . . . .” Smith, Memoirs, IV, July 3, 1775; Lossing, The Life and Times of Philip Schuyler, I, 346.

\textsuperscript{120} Duane to Robert Livingston, Jr., June 7, 1775, quoted in Beverly McAnear, “Mr. Robert R. Livingston’s Reasons against a Land Tax,” Journal of Political Economy, XLVIII (February, 1940), 76.

\textsuperscript{121} McDougall to Jay, March 20, 1776, Jay to McDougall, March 23, 1776, John Jay Papers, CUL; Johnston, Correspondence of John Jay, I, 49-50. Smith says McDougall told him in February that he opposed independence. Smith, Memoirs, V, February 12, 1776.

Livingston once commented that the leaders must “yield to the torrent if they hoped to direct its course.” Livingston to Duer, June 12, 1777, R. R. Livingston Collection, NYHS.
sation with McDougall, William Smith remarked in passing on the risks to which the Whig leaders exposed themselves, noting "the wrath manifested in the King's speech ag[ains]t them as the misleaders of his American subjects." 123 Although the British no longer exercised authority in the province by the summer of 1775, Admiral Graves wrote home that "there are many in [the violent party] who wish to keep the peace in New York on account of their property." 124 That fall a Tory merchant declared that the Whigs of "prosperity are afraid of their estates, and are coming about fast." 125

Some patriots prudently left the danger zones at critical moments. When Howe appeared before New York, a number of Whigs departed hurriedly. Among others, Philip Livingston parted from the Third Provincial Congress rather abruptly. Jay said that Livingston gave no other reason than that he was going to Philadelphia. "The ways of some men like Solomons Serpent on a Rock, are past finding out," Jay concluded disgustedly. 126 After the loss of New York in September, 1776, the conduct of Gouverneur and General Lewis Morris caused bitter complaint. Robert R. Livingston wrote to Edward Rutledge of South Carolina: "Gouverneur thro' what cause God alone knows has deserted in this hour of danger retired to some obscure corner of the Jerseys where he enjoys his jest and his ease while his friends are struggling with every difficulty and danger & blushing while they make those apologies for him which they do not themselves believe." 127 Lewis Morris's behavior provoked comment in Westchester and in the state Con-

123 William Smith, Memoirs, V, January 8, 1776.
125 V. P. Ashfield to Isaac Wilkins, November 4, 1775, *ibid.*, p. 482.
126 Jay to R. R. Livingston, July 1, 1776, Livingston, *Revolutionary Letters of Importance*, No. 27.
127 Livingston to Edward Rutledge, October 10, 1776, Bancroft Transcripts: Livingston Papers, NYPL.
The Road to Independence

The Convention had granted him a few days leave to see to his family in Philadelphia upon his express promise to return promptly to his militia regiment. The general not only violated his word, but implied to the continental delegates that he had come to Philadelphia on Convention business. Since he evaded the requests of the Convention to return to the state, that body peremptorily ordered him home. Rutledge gave this account of Morris's presence in Philadelphia:

he left us near three weeks since from some hints which his friends here took the liberty of giving him, and declared he would never return until he had conquered it [i.e., fear]. Should he be worse than his word & pay us another Visit, I'll answer for him that he will not stay here above two Days to rest himself. Indeed I much doubt whether he will be able to call those, Days of rest, for I will immediately make a Party to plague his very heart out. Philadelphia shall not be a place of Safety for him I assure you.\textsuperscript{128}

Having committed themselves to independence, the Whigs prepared themselves for misfortune. Robert R. Livingston explained, "I am amazed at the composure I feel tho' I have everything at stake, & the enemy are already in actual possession of one third of my income."\textsuperscript{129} The grim prospect of capture by the British induced fearsome thoughts among many. Gouverneur Morris in 1777, describing the impact on the first legislature of the American defeats in the mid-Hudson, which included the loss of Forts Constitution, Montgomery, and Clinton, confessed: "We

\textsuperscript{128} Rutledge to Livingston, October 19, 1776, \textit{ibid.}; \textit{Jour. Prov. Cong.}, I, 666; Morris to Convention, September 24, 1776, Force, \textit{American Archives}, 5th ser., III, 211.

\textsuperscript{129} Livingston to Rutledge, September 27, 1776, Livingston, \textit{Revolutionary Letters of Importance}, No. 95. In a later letter to Rutledge he depicted graphically the dangers of a revolutionary career: "Every day discovers new plotts a regular plan was formed to carry me off, headed by a relation and only defeated by a discovery that very night in which it was to have been executed. Bullets have been shot at night into the very beds of some of our active people & others been fired at & wound'd on the ambush." Same to same, October 10, 1776, Bancroft Transcripts: Livingston Papers, NYPL.
are hellishly frightened but don’t say a word of that for we shall get our spirits again. . . .”¹³⁰ One contemporary attributed the caution of the great landed families to property considerations: “Such extensive property is perhaps too great a stake to be risked in a struggle with a bold invader. . . .”¹³¹ The fears deriving from the foregoing considerations exercised a marked influence on the members of the Provincial Congress and manifested themselves in the advocacy of a go-slow policy.

Since the militancy of public opinion in the colony outran that of the Whig leaders, the delaying tactics of the leadership did not bring New York any closer to pacification. However much John Adams might rail against the timidity of the Yorkers, every important step they took, however halting, was a step farther down the road to independence. The Whigs understood that New York was “a nut in the jaws of a nutcracker.”¹³² British military strategy centered upon the capture of the province by an attack from Canada as well as from the sea. With these military threats hanging over the province, it is understandable why New York was not in the van of the revolutionary movement.

¹³⁰ Morris to R. R. Livingston, October 8, 1777, R. R. Livingston Collection, NYHS.
SIX

Government Prior to the Constitution of 1777

The Provincial Congress was the nerve center of the revolutionary movement. Its formation greatly strengthened the Whigs in that it united under central direction the county and local committees who lacked overall authority. Since many of the leading patriots served in the Provincial Congress, the people looked to that body for direction. This support in turn enabled the provisional legislature to mobilize the citizenry and their resources. Furthermore, the Whigs now had the means to apply uniform policies throughout the counties. Equally important, the Provincial Congress could and did speak in the name of the whole colony, constituting the only significant group with whom the British could negotiate. Lastly, the Provincial Congress replaced the royal administration as the governing authority.

Although the Tories labored mightily to block the calling of a congress, they had toiled in vain even before the news of Lexington reached New York. When the colonial assembly had refused to name representatives to the Second Continental Congress, the moderates and radicals in the city Committee of Sixty had cooperated to push through a call for the election in April of a provincial convention that would meet solely to choose the continental delegates. The Provincial Convention met in New York City April
20, 1775, completed its business, and dissolved April 22. When the news from New England arrived in town the next day, the conditions requisite for summoning a provincial congress had matured. On April 28 the city committee appealed to the counties to elect deputies to represent them in a provincial congress to assemble in May. The committee's circular letter justified the call by painting a grim picture: "The distressed and alarming situation of our country, . . . threatening to involve this Continent in all the horrors of a civil War, obliges us to call for the united aid and council of the Colony. . . ."2

When the colony completed the balloting, either by direct choice or by the local committees, it had deputed 113 men to attend the First Provincial Congress. Not all of these counted themselves Whigs and eventually nineteen joined the loyalists. Although the election circular had set May 22 for the opening of the First Provincial Congress, a majority of the county delegations did not appear until the next day. Some of the absentees came in later in the session, but Gloucester County did not send a deputation at any time. Individual attendance left much to be desired and the numerous absences impeded the legislature's effective operation. From May through July attendance ranged from a low of forty-two to a high of eighty-two.3

According to the rules of procedure drawn up by the Provincial Congress, a majority of the counties constituted a quorum. Moreover, each county had to have a quorum of its delegation present in order to be able to vote. Definition of the quorum varied from county to county, some requiring a delegation majority, others from one to four men. Since the counties cast unit votes, each deputation had

to decide the county's position first before voting. Debate and dickering among the counties preceded the apportionment of voting strength. The resultant compromise gave New York four votes, Albany three, and the other counties two each. 4

Having established a framework within which to labor, the Provincial Congress began to tackle the multitudinous problems that led it to exercise the power forfeited by the royal government. Although the members wrestled with many pressing questions, they devoted most time to those which related to military preparations, the Tories, and finances. Plagued by decreasing attendance, the Provincial Congress adopted a suggestion of the Continental Congress to transfer its provincial authority to a committee of safety for a stated period. Each county had one vote on this committee except New York which had two. All of the committee's acts were subject to ultimate approval by the Provincial Congress. This device permitted it to adjourn for the months of July and September but to leave in its place a functioning executive. 5

By October the First Provincial Congress prepared to end its life and passed resolutions for that purpose. It named November 7, 1775, election day for the choice of representatives to the Second Provincial Congress. It proposed to dissolve November 14, the day its successor convened. Having defeated a suggestion to use the written ballot, the majority relented and extended the suffrage to nonfreeholders who held lands assessed at £80. Notwithstanding its November 14 deadline, the Provincial Congress broke up in confusion November 4. 6

However, it did not assemble on November 14. In

---

fact, it did not have a quorum until December 6. Despite this inauspicious beginning, the Whigs congratulated themselves on the new membership of the legislature. The local committees had dropped thirty-nine former delegates in favor of more ardent patriots, or so they thought. During most of its life the Second Provincial Congress remained adjourned, having created a committee of safety to carry on. Thus it fell to the lot of the Committee of Safety to accede in the middle of April, 1776, to Washington's demand for the isolation of the British warships in the harbor. Although some of the radical Whigs grumbled over the slow progress of military preparations, by spring they had less cause to complain as the presence of the Continental Army in New York pressured the Committee of Safety into more vigorous exertions. Before its March adjournment the Provincial Congress provided for the election of the Third Provincial Congress in April and its own dissolution May 14.7

A further weeding-out process occurred in the April, 1776, balloting; no less than thirty-two members of the Second Provincial Congress yielded their seats to new men. The number of Tories, however, remained almost constant at eight. All the counties chose deputies and revised downward the number necessary to form a delegation quorum. Consequently, the Third Provincial Congress did not have to wrestle with the quorum issue. A change in the distri-

7 Ibid., pp. 232-35, 252.

These decisions about sessions reflected the difficulties of congressional government. The revolutionary situation required protracted periods of meeting but most colonials had no prior experience with this kind of procedure. The provincial assembly usually met for three months and then adjourned. The executive organs enforced the laws. There was no revolutionary executive and the Provincial Congress could not adjourn unless some agency could take the reins to prevent the Tories from reasserting control. The Whigs solved the problem by setting the life of a provincial congress at six months and by clothing the Committee of Safety with executive authority only. Therefore, the Second Provincial Congress in December, 1775, agreed upon April, 1776, as election date for the Third. Jour. Prov. Cong., I, 223.
bution of the unit votes increased New York's share from one-seventh to one-sixth of the total. The new arrangement gave New York eight votes, Albany six, Dutchess five, Suffolk four, Ulster four, Westchester four, Queens four, Orange and Tryon three each, Kings, Richmond, Charlotte, and Cumberland two each, and Gloucester one.

Although the Third Provincial Congress had a brief existence, it considered three key problems: suppression of the Tories, instructions to its delegates at the Continental Congress on the question of independence, and the formation of a new governmental structure for the colony. A majority deemed it best to refer the last issue to the people, calling for the election in June of a new Provincial Congress with power to draw up a constitution. When General Sir William Howe appeared off New York at the end of June, the Third Provincial Congress adjourned June 30, 1776, to reconvene July 2 at White Plains. Since it could not muster a quorum at White Plains, the Third Congress gave way to its successor. ⁸

Many of the changes in the personnel of the Fourth Provincial Congress were a result of a decrease in the size of the delegations. Whereas the Third had a nominal membership of 136, the Fourth had only 106. Fully thirteen of the thirty who did not serve again had represented the three counties (Kings, Queens, and Richmond) which the Tories largely controlled. Only eight of the congressmen were new members. ⁹ Since the Continental Congress had declared independence, the Fourth Provincial Congress joined the other former colonies in independence on the first day of its meeting, July 9. In accordance with its new status, the Fourth Provincial Congress transformed itself

Government prior to 1777

into the Convention of Representatives of the State of New York on July 10.

Thus opened the most difficult period in the history of the state's provisional governments. The Convention had to govern the state, conduct the war, write a constitution, and stay out of the hands of the British invaders, all of this in the midst of a series of major American defeats and retreats from southern New York in 1776-1777. In this confusion the Convention appointed a committee of safety to assume its functions and the committee sat for most of the ten months of the Convention's life, July, 1776–May, 1777.10

The two years from May, 1775, to May, 1777, witnessed the steady elaboration of congressional government. The Provincial Congress, of course, worked out specific policies and often depended upon the county and local committees to execute them. At the commencement of the first session the Provincial Congress assumed the subordination of the local bodies to its authority when it directed the formation of committees where nonexistent to enforce the resolutions of the Continental and Provincial Congresses.11 On numerous occasions the deputies created special committees to carry through their plans, but sometimes, when key men served on more than one committee, this practice precipitated a personnel crisis. For example, the Provincial Congress appointed Jay, R. R. Livingston, and Robert Yates to a secret committee to obstruct the Hudson to the British but in August also put them on the constitutional committee. Since the trio neglected the latter for the former, the constitutional committee accomplished nothing for some time.12 Using various methods, the Provincial Congress extended its authority over major areas of government. It

12 See below p. 219.
exercised jurisdiction, for example, over raising, equipping, and supplying the army, finance, suppression of the loyalists and seizure of their property, confederal relations, and Indian affairs.

Military preparations naturally absorbed much of the time and energy of the delegates. Raising an army involved the organization of three types of units. The Continental Congress directed the formation of the regular units, the line regiments, but the colonies nominated their officers and actually recruited them. New York authorized the first recruiting campaign June 28, 1775. The five regiments that resulted participated in the ill-fated Canadian expedition 1775-1776. Since the men's enlistments expired December 31, 1775, their units underwent reorganization after the campaign. When the Provincial Congress prepared to raise four more regiments in January, 1776, the deputies differed over the selection of the officers. They resolved their differences by circularizing the counties, requesting the county committees to nominate two persons for each position. In their first efforts in February to raise the regular regiments the Provincial Congress worked out quotas for each county, but in December they revised their procedure. They appointed the officers, then assigned them recruiting districts in each county.13

The militia comprised the second component of the armed services. Although the Continental Congress advised New York in May, 1775, to commence planning its militia organization, the First Provincial Congress did no more than to appoint a committee to consider the situation. Not until August 9 did the much-revised committee hand in a report which was approved. Five days later the legislature published its detailed resolutions, which governed the organization, training, discipline, and pay of the troops. They

set the strength of the basic unit, the company, at about eighty-three officers and men. Five to ten companies joined to compose a regiment, and each county had one or more regiments. The regiments combined to form the colony's six brigades, each of which was under the command of a major general. In addition, there were previously in existence certain independent formations (hussars, artillery, and grenadiers) which retained their original structures. The men chose their own officers below the rank of major, leaving to the Provincial Congress the appointment of the field ranks. When the companies had organized, one-fourth of the company's number volunteered as minutemen. These volunteers constituted minute companies which might be called into action immediately. 14

The Provincial Congress drew up a code of regulations for the militia. The rules required each man to provide himself with "a good musket or firelock and bayonet, sword or tomahawk, a steel ramrod, worm, priming wire and brush, . . . a cartouch box, to contain twenty-three rounds of cartridges, twelve flints and a knapsack. . . ." The militiaman had to supply his own ammunition, a pound of powder, and three pounds of bullets. Having accoutered himself, the part-time soldier had to train one day a month for four hours. Since the larger units needed experience also, the regiments would mobilize "at least two days in every year." Penalties for disobedience and refusal to serve ranged from fines to imprisonment. Those who would not enlist would suffer advertisements as enemies to their country. 15

The New York Provincial Congress dispatched circular letters of militia instructions in August to the county committees and the latter commenced the task of actual militia organization. Since the parent organ did not vigorously

press the matter, these activities proceeded at a very uneven rate. Suffice it to say that by the close of 1775 most of the counties had completed some part if not all of their assignment. Many problems arose which compelled the Provincial Congress to amend the militia law in December, 1775. Some of the regulations in respect to the election of officers, training, brigading, and minutemen underwent modification. This remained the basic statute until June, 1776, when the Provincial Congress again revised it, abolishing the minutemen.16

The third component of the armed forces, denominated levies, did not have a separate organization. When the military situation demanded it, the government ordered a portion of the militia into the field for a specific period of time. These constituted the levies. If volunteers did not fill the quotas, the counties drafted the necessary numbers.17

New York did not neglect the other branch of service, the navy. The colony had no ships of the line, but it did encourage privateering. A clear picture of the privateers' operations cannot be found, but about a dozen of them took to the seas in the period under consideration. One of them, the Montgomery, captured eight prizes by 1777 with a total value of £11,000.18

When the Provincial Congress plunged into the intricate task of supplying and equipping the army, it encountered bewildering problems of every description. Not only did the state lack manufactured goods essential to the prosecution of the war but also it experienced great difficulties in procuring and transporting its abundant agricultural commodities to the camps or supply bases. Furthermore, despite the

heroic labors of devoted officials, a certain amount of peculation and speculation impeded the functioning of the supply services. Noting these circumstances, Schuyler remarked to Jay that military spending in the Northern Department alone ran at five times the annual rate of the most expensive year in the previous colonial war.\textsuperscript{19}

Since the Provincial Congress failed completely to grasp either the magnitude or the nature of the supply problem, the delegates reacted spasmodically, moved to action by especially urgent situations. It took the first step to create a commissariat at the direction of the Continental Congress. The latter body resolved to have New York furnish provisions and stores for the newly captured forts at Crown Point and Ticonderoga. On June 2, 1775, the Provincial Congress offered the position of commissary to Peter T. Curtenius, New York merchant. The scope of the resolutions implied that Curtenius would be employed to purchase other supplies as the New York Provincial Congress desired.\textsuperscript{20} For his services the commissary received a 1.5 percent commission if he spent his own funds, or a 1 percent commission if he expended congressional funds. If he spent his own money, the Provincial Congress would allow him lawful interest for its use. Finally, Curtenius would obtain reimbursement for all expenses.\textsuperscript{21} Having selected a purchasing agent, the Provincial Congress the next day presented him with a large order which they directed him to forward to Lake George. Among the items Curtenius set out to procure, 1,000 pounds of oakum represented the largest quantity, but he also had to hire artificers and seamen for the same destination.\textsuperscript{22}

\textsuperscript{19} Schuyler to Jay, February 1, 1777, John Jay Papers, Iselin Collection, CUL.
\textsuperscript{20} \textit{Jour. Prov. Cong.}, I, 27.
\textsuperscript{21} Flick, \textit{American Revolution in New York}, p. 181; \textit{Jour. Prov. Cong.}, I, 27.
\textsuperscript{22} \textit{Ibid.}, I, 28. Flick, \textit{American Revolution in New York}, p. 182, refers to a later order as the earliest.
When occasion demanded, the Provincial Congress bypassed the commissary and appointed a committee of its members to fulfill certain tasks. An incident of this nature arose during the first few weeks of Curtenius's tenure. The Continental Congress instructed the New Yorkers with admonitions of secrecy to provide 5,000 barrels of flour for the army near Boston. The Provincial Congress promptly chose Isaac Sears, Abraham Walton, and Joseph Hallett to carry out the project. 23

Even though his staff grew commensurately, Curtenius's responsibilities multiplied so rapidly they exceeded his ability to discharge them effectively. He had under his direction one agent, three deputies, seventeen subcommissaries, eight commissaries of purchases, and numerous storekeepers and clerks. Although the supply service had become complicated, the Provincial Congress did nothing to simplify its organization until events forced the legislators to do so. When General Charles Lee arrived in February, 1776, to fortify the city, apparently he or his staff "suggested" that the Committee of Safety appoint a special issuing military commissary to have charge of all army stores in New York County. The committee complied and instructed Curtenius to transfer such stores to Richard Norwood, whom they appointed to the new post. 24

When New York and continental troops began to pour into the city in February, 1776, the supply problem became very complex. The Provincial Congress requested Curtenius to supply the necessary rations, but the commissary declined. Accepting Curtenius's explanation of the pressure of his duties, the New York legislature turned to Abraham Livingston to fill the gap. Livingston operated under a contract with the legislature, but his duties did not carry through until the end of the provisional government. Since

24 Ibid., I, 290.
the colony's militia was under the command of the continental commander in New York City and since this was true later in the Northern Department, most of the victualling contracts came under the jurisdiction of the Continental Army. When the militia remained under the state's authority, one of numerous commissaries contracted for the rations.25

The difficulty of supplying the troops with adequate clothing provoked the Committee of Safety to take steps ultimately to reform that aspect of the service. Prior to this time Curtenius and others bought semifinished and finished goods. Late in 1776 the committee initiated tentative steps to establish a state clothing store, but its organization did not reach fruition until the appointment of John Henry as State Clothier in February, 1777, at a salary of 10s. per diem.26

The Convention of Representatives further modified the system in May, 1777, when it charged John Lasher with complete authority over all military stores. To the rank of colonel the deputies attached a salary of £200 per annum and expenses and empowered him to impress teams and carriages if necessary. At the same time they chose David Currie to furnish the troops with items not supplied by the commissariat. In this category fell wine, beer, sugar, chocolate, coffee, tobacco, and staples. The Convention allowed Currie three dollars a day and expenses.27

The acute shortage of guns, cannon, and ammunition compelled the Provincial Congress frequently to resort to various expedients to procure desired quantities. The state had few skilled gunsmiths upon whom to rely but did contract with these few to manufacture specific quantities. The Provincial Congress sought to import arms and powder, ap-

propriating £4,000 for the purpose in September, 1775. Driven to seek other alternatives by the continuing shortage, in March, 1776, it resolved to loan £200 without interest to anyone who would produce the greatest number of gunlocks and to give a premium of 4s. on each piece to the producers. Similarly, the delegates sought to stimulate the manufacture of gun barrels and bayonets. Exertions to secure light and heavy cannon encountered similar obstacles. On one occasion, despite the pressing need, the Provincial Congress rejected a contract for brass cannon because the price of 4s. a pound was too high. On the other hand, lack of skilled labor and uncertainty as to the needed quantity caused the Committee of Safety to forgo the employment of a foundry owned by Robert Livingston, Jr., for casting heavy cannon. Exorbitant prices did not always deter the Provincial Congress from accepting a contract. A critical lack of grapeshot caused the legislature to pay double the market price.28

Insufficient quantities of two other products closely associated with munitions, lead and powder, plagued the revolutionaries. The Provincial Congress directed Curtenius to collect the lead window weights of private dwellings, promising later compensation. In this manner Curtenius received more than 100 tons. The state promoted the search for, and working of lead mines, but none of these attempts proved fruitful. Bounties and loans produced a more favorable situation in regard to powder. Venturous individuals erected a number of powder mills, but at first the mills could not manufacture rapidly because of the scarcity of sulphur and saltpeter. Again the state intervened to promote the location of sulphur deposits and the production of the latter. Both efforts succeeded. Sulphur mined in

Government prior to 1777

Tryon County became the mainstay and saltpeter from small shops and households tended to relieve the shortage in that article. 29

The state looked to its own resources for adequate supplies of hemp, flax, and wool. Under the advice of the Continental Congress, New York in April, 1776, pleaded with its farmers to increase the acreage of hemp and flax and to increase and improve the breed of their sheep. Even prior to this action, the New York Provincial Congress had voted £1,333 to hire the poor of the city to spin flax. In October, 1776, the Convention selected a committee to provide work in weaving and spinning for the New York City refugees. Such improvisations produced a considerable quantity of cloth. The state imported hempseed in large quantity and distributed it to the farmers without charge. 30

Given the scope of the task and the inexperience of officials, it is no surprise that confusion and waste loomed large. A large portion of the provisional government's expenditures for 1775-1777 went to pay for the huge quantities of these supplies discussed above. In these two years the Provincial Congress spent at least £500,000 for all purposes. 31 It is to the credit of the government that it managed to achieve what it did.

From the outset the revolutionary government contended with two deficiencies, guns and funds. When the need for funds arose, the congressmen pledged their personal wealth as security. Obviously, the delegates would not bankrupt themselves to finance revolutionary operations, so they had to find an alternative. The financial question thrust itself to the fore on the second day of the First Provincial Con-


31 New York State, Treasurer's Accounts, 1775-1778, NYHS.
gress, May 23, 1775, when the delegates read a letter from the Continental Congress urging the removal of arms and stores from Fort Ticonderoga. After debating the matter, the delegates referred it to a committee for study. In its report the committee the next day suggested the appointment of a committee "to consider of ways and means for providing moneys" to accomplish the Ticonderoga task. The Provincial Congress approved this report but did not choose a committee of ways and means. The inaction was not equivalent to a death sentence, however. It would seem probable that private discussion continued because on May 26, without a recorded motion or discussion, the house selected a committee to prepare a report on a continental paper currency. Simultaneously, the members drafted a letter to their representatives at Philadelphia in which they stated that they had the financial question under study.

The letter and the later committee report are important, since they throw some light on attitudes toward taxation. The letter made two basic points. Considering the drift toward war, the authors declared "an uncommon levy" of money would soon be a necessity for the Continental Congress and, therefore, the latter body would probably discuss the feasibility of paper currency. As to taxation, they wrote, "it is clearly impossible" to raise the requisite funds by this means. The committee reiterated this view in its report on May 30, insisting that the Continental Congress would have to issue some form of paper and that each colony would have to sink its own share. Significantly, the house approved the committee's recommendations unanimously.

There the matter rested for two months, when rapidly rising expenditures induced another plea to the men at Philadelphia. New York, the Provincial Congress asserted, had spent a large sum for continental purposes and an equal

33 Ibid., I, 14, 19, 20.
amount for the province. Taxation, therefore, had become a necessity, but “prudence or policy” dictated the adoption of that mode which would be least liable to arouse “popular disgust or perhaps, opposition.” The letter proposed an alternative which would have achieved two objectives. They asked that the Continental Congress repeal the ban on tea consumption, set a maximum price on it, and tax the vendor 1s. a pound. Since New York tea merchants had “a considerable quantity” of smuggled Dutch tea on hand, the ban’s repeal would release their capital for investment in the importation of direly needed Dutch goods. Moreover, the brunt of this tax would fall on those who violated the association, the “obstinate consumers” of the brew. This overture came to naught because the Yorkers failed to rally any other colony to their view.

Without waiting for a reply to their tea tax application of July 28, the delegates on August 5 voted another committee on ways and means to study financial measures. The Albany delegation informed its county committee that many congressmen favored an immediate tax, but it added that it could not say whether a levy would carry. Although the house listened to the committee’s statement on August 11, it postponed a decision until August 15. It seems possible that the committee recommended a levy up to £30,000, but when recorded in the Journal weeks later, the report specified a minimum of £15,000. Since the Provincial Congress did not discuss the matter again, despite its intention, until August 30, perhaps growing opposition to the

---

levy caused its proponents to compromise on the lower figure.

Led by Gilbert Livingston, the opponents successfully amended the report. They substituted an emission of £45,000 in paper for the tax, committing the Provincial Congress to fund by taxation one-third of the total each year over the next three years. Upon reconsideration the house voted to reduce the funding period to two years. The resolution directed the creation of the necessary tax officials, providing for supervisors, assessors, and collectors. It granted the collectors authority to collect from defaulters by “distress upon the goods and chattels” thereof. Since the measure distributed the tax among the counties on a quota basis, the members sought to bargain for the lowest quota. The endless maneuvering brought on a deadlock which the First Provincial Congress never resolved.\(^{36}\)

It is difficult to interpret the significance of the paper money triumph solely on the basis of the voting record. The counties cast unit votes and it is impossible to determine from the Journal how the members voted within the delegation to decide their county’s ballot. Even though Albany, Ulster, and Richmond voted against the bills of credit, it is risky to conclude therefrom that these delegations represented creditor groups.\(^{37}\) If one accepts the sincerity of the deputies’ avowed intention to fund the debt, then the problem resolves itself into one of timing. It should be noted also that by decreasing the funding span to two years, the house increased the tax funds for each year to £22,500, whereas the original committee recommendation had advocated a £15,000 levy.

Having wet their feet, as it were, in the paper ocean, the

---


\(^{37}\) Cochran, *New York in the Confederation*, p. 44 and n. 5. New York County divided evenly.
congressmen were not loath to return for another dip. The Provincial Congress voted two more emissions in January and August, 1776, which amounted to £255,000. These proved to be final, so that New York had mortgaged itself for £300,000 in all. Both of the last issues indicated the deterioration of the strength of the proponents of taxation. Although the January resolution laid down a three-year funding plan, it made no reference to the tax quotas essential to carry it out. By August even the funding operation disappeared from the resolution and the Provincial Congress drew up a substitute: "That the public faith of this State be pledged for the redemption of the said bills of credit, and that this Convention, or some future Legislature of this State, will make effectual provision for that purpose." ¹³⁸

Fortunately for the prosecution of the war, New York could borrow from the Continental Congress. When the latter organ struck off continental paper, it dispatched some £150,000 to the Provincial Congress, 1775-1777. In addition to this source, the New York legislature borrowed from individuals to an undetermined amount. ³⁹

Whatever the reasons for the provisional Congress's hesitation to lay a tax, the creditor-debtor relationship and the fear of political opposition are not sufficient explanations. ⁴⁰ John Jay long criticized the paper policy, prodding McDougall occasionally to seek a change. On March 27, 1776, Jay adverted to the political effects of taxation in these words: "There is much money in the Province, the Produce of the Country retains its Price & a moderate Tax would be borne without a Murmur." ⁴¹ McDougall revealed something

⁴⁰ See Becker, The History of Political Parties, p. 217; Cochran, New York in the Confederation, p. 44.
of the situation's complexity in his reply of April 16 to Jay:

I have long been of your opinion on the subject of taxing, but I confess there are weighty difficulties in the way. The great stagnation of commerce, and the removal of the inhabitants out of this city were important reasons which induced my assent to delay that measure. If we had taxed, where should the rich men of this capital who have taken their flight be taxed? And how is the poor freeholder of it, to pay his, when he can receive no [rent]? I was determined & delayed the tax for these difficulties as the country members seem bent on saddling us with one third of the colony expence. 42

It is worthy of note that these reasons gave Jay pause and he confessed they had not occurred to him. 43

The colonial treasurer's position was an ambivalent one. When the Provincial Congress needed funds in May, 1775, it called upon the treasurer of the colony, Abraham Lott, to lend the required money on the personal guarantee of the deputies. Although he was a royal official, Lott complied and this procedure obtained for a considerable length of time. Meanwhile, the First Provincial Congress appointed Peter Van Brugh Livingston as its treasurer in July, 1775. The office proved too burdensome for Livingston, an elderly man, and he chose a deputy, Gerard Bancker, whom the house approved. Henceforth, Bancker bore the major burden of the office and in recognition the Convention changed his title in January, 1777, to Vice-Treasurer. 44

When Lott presented a memorial to the revolutionary

42 John Jay Papers, Iselin Collection, CUL.
43 Jay to McDougall, April 27, 1776, ibid. and McDougall Papers, NYHS; Johnston, Correspondence of John Jay, I, 57.
44 Flick, American Revolution in New York, p. 108; Jour. Prov. Cong., I, 216, 774. In November, 1776, Bancker wanted to give up his subordinate position, but neither Livingston nor the Convention would listen to him. When Bancker repeated his intention on January 14, the Committee of Safety replied by making him Vice-Treasurer. Ibid., II, 316-17; Cal. Hist. Mss., I, 593.
legislature in March, 1776, he stimulated that body to action. The substance of his letter concerned the funding of the 1771 bills of credit of which one-tenth fell due in April. A committee recommended that the payment of the principal be suspended and that any sums paid in be loaned out again. Furthermore, the committee declared that the Provincial Congress must "attend to the proper application of the public moneys now in the hands of the said Abraham Lott, Esquire." Lott evaded the directive but the Provincial Congress did nothing. It is surprising that Governor Tryon did not instruct him to bring his papers out to the British warships in the harbor. In September, 1776, the Convention demanded an accounting and forbade Lott to act as treasurer. Whatever expectations the Convention may have entertained as to the funds in his possession, the final outcome dashed those hopes. Although the records demonstrated the existence of £25,000, Lott possessed only £3,000 and the Convention labored in vain to obtain that sum. Lott had invested the large balance in the Danish Islands.

The deepening rift between Whigs and Tories in the summer of 1775 posed one of the thorniest problems that ever confronted the New York Provincial Congress: the disposition of the Tories. It did not formulate a general policy for several months, leaving most action in the hands of the local committees. When a serious incident occurred, such as the enlistment of recruits for the British army, the deputies heard the evidence, then voted on the verdict. Those adjudged guilty might be imprisoned locally or shipped off to Connecticut.

The activities of the Tories in Brookhaven early in

---

August caused the Provincial Congress to prepare its first overall measures against them. After much debate extending over three days, the deputies agreed upon several resolutions. The resolves defined sundry forms of opposition and actions as punishable by imprisonment but placed their enforcement in the hands of the local committees. If the committees or militia apprehended any individuals who were in arms or enlisted in the British forces, they would hold the prisoners for disposition by the Provincial Congress.47

Since these first steps did nothing to quell the Tories in regions which they dominated, such as Queens, the Provincial Congress voted additional measures. The local Whigs lacked the numbers and force to take effective action and pleaded with the Provincial Congress to intervene. By December, 1775, the open defiance of the revolutionaries by Queens and Richmond Tories constrained the Second Provincial Congress to strike at them. Fearing retaliatory bombardment by the British warships, the Provincial Congress instructed its delegates in Philadelphia to ask the Continental Congress for aid. The latter obliged, ordering Jersey troops to Queens to disarm the Tories and apprehend the ringleaders. Approximately 600 residents surrendered their weapons and 19 their persons. Early in February the New Jersey Provincial Congress complied with a request from New York to perform a similar sweep on Staten Island.48

The Second Provincial Congress in the form of its Committee of Safety, prompted by a resolve of the Continental Congress, took an additional step against the Tories. It instructed the counties to disarm the “disaffected,” employing, if necessary, the militia.49

48 Ibid., pp. 238, 244-45.
49 Ibid., p. 262; see above, pp. 143-45.
The Third Provincial Congress had scarcely organized in May, 1776, when Washington exerted pressure on it to take vigorous action against the Tories. The Commander-in-Chief, taking the congressmen into his confidence, revealed to them intelligence of a Tory plan to unite the disaffected on Long Island and adjacent Connecticut and to join the British. The Provincial Congress spent most of May 19 as well as the day and evening of May 20 discussing the evidence and remedies. It seems to have concluded its deliberations by referring the whole business to a committee headed by John Alsop. 50

When the committee reported May 21, the house ordered the secretaries to transcribe a fair copy. After three days of intermittent but prolonged debates, the deputies approved the lengthy report which recommended that the Provincial Congress cooperate with Washington to round up the most dangerous of the opposition and that the county committees apprehend not only all civil and military crown officials but also all those suspected of hostility to the American cause. 51

The following day, May 25, the congressmen charged a committee of Scott, Jay, Morris, Haring, and Remsen to draw up enabling resolutions, but the Provincial Congress did not approve the draft until June 5. The committee submitted its report on May 28 and the delegates immediately commenced consideration of it. Other affairs intervened and prevented final disposition until a week later. The heart of the "laws" approved were those sections creating a committee to seize, try, and punish Tories. The committee consisted of seven men: Gouverneur Morris, John Ten Broeck, Henry Remsen, John Haring, Thomas Tredwell, Lewis Graham, and Joseph Hallett. Among the other resolutions, the Provincial Congress conferred similar

51 Ibid., 1, 456-57, 459-60, 461.
powers on the county committees and authorized the local committees to arrest and hold any suspects until the county committees met to dispose of the cases. The resolutions directed the congressional committee to arrest about a hundred of the leading Tories in the city, Richmond, Kings, Queens, and Westchester.\(^{52}\)

After some delay the “secret committee” set about its labors on June 15 with a slightly altered cast; the most important changes were the addition of Jay and Philip Livingston. Over the next two weeks the “inquisitors” examined numerous suspects, heard witnesses, and disposed of cases. In arriving at decisions, the committee voted in accordance with the voting rules of the Provincial Congress, that is by county unit. Most of those summoned, if convicted as no “Friend to the American cause,” secured their release on parole or posted bond.\(^{53}\)

Scarcely had the secret committee begun hearings when Washington imparted fresh intelligence to the Provincial Congress which halved the committee’s membership. On June 17 the legislators chose Jay, G. Morris, and Philip Livingston a “secret committee” to confer with the Commander-in-Chief relative to this information and “take such examinations . . . as they shall think proper.” Thus began the unraveling of the celebrated Tory plot, a plot intended to unleash operations against Washington’s army on the arrival of the British army. Governor Tryon planned to have Tories strike at ammunition stores, sabotage cannon, and destroy Dykeman’s Bridge across Kingsbridge Creek which linked Manhattan with Westchester and New England. Three days thereafter the Provincial Congress granted this second committee power to apprehend and secure certain persons in “such manner as they may think most prudent.” The trio worked closely with Washington in

\(^{52}\) Ibid., I, 461, 464, 476-78.
\(^{53}\) Flick, American Revolution in New York, p. 213.
rounding up the ring, but whether they tried the prisoners or entrusted that task to the first secret committee (of which they were members) cannot be determined.  

The British arrival disrupted the work of the committee and prevented consideration by the delegates of the committee's report. On June 28 Jay requested and obtained leave for the committee to continue sitting, since it had not finished its task. He presented a report of his board's activities with the supporting evidence, but the delegates deferred even receiving it "as the House is very much engaged in other necessary business." The house did not return to the business because Sir William Howe's appearance disrupted the proceedings. Before the Provincial Congress closed its session, it gave Washington power to "take such measures for apprehending and securing" dangerous persons "as he shall think necessary."  

When the Fourth Provincial Congress or Convention assembled on July 9, it merged the two "secret" committees. The Convention specifically repealed the broad powers to seize suspects Washington had received from its predecessor, resolving that "it would be unreasonable longer to burthen the General with matters for which this Congress ought to provide. . . ." Having taken this precaution to safeguard civil authority, the deputies instructed their committee to proceed in a manner "most agreeable to the dictates of justice and humanity," and "most advancive of the public good, the oath which they have taken notwithstanding." Just how this committee functioned is not clear, since the Convention itself heard numerous cases and prescribed punishments. Late in August the Convention directed the county committees to exercise their discretion in releasing minor loyalists whom the Convention had arrested but not to liberate any person confined for "treasonable practices."  

The deteriorating military situation and increased activity of the loyalists caused the Convention on September 19, 1776, to take a new look at its loyalist policy. During the subsequent debates the members hammered out more drastic resolutions, establishing a standing committee of seven with broad powers for "inquiring into, detecting and defeating all conspiracies." Jay, William Duer, Pierre Van Cortlandt, Leonard Gansevoort, Charles DeWitt, Zephaniah Platt, and Nathaniel Sackett composed the committee. The committee had troops at its command, either militia or special ranger companies, its own intelligence network, and express riders. During the four months of its existence this committee presided over perhaps 500 cases. Many prisoners incurred sentences of banishment to New Hampshire jails.57

When Carleton in October, 1776, advanced down Lake Champlain toward Ticonderoga, the Committee of Safety established a new committee in response to Schuyler's appeal for reinforcements. They detailed a special committee to repair to Albany to cooperate with Schuyler. The new committee possessed practically a blank check which included authority to call out the militia of the northern counties. However, this special committee devoted an important portion of its time and energy to the apprehension of loyalists. It is highly unlikely that the labor of this special committee of "arrangement" duplicated that of the committee of seven to defeat conspiracies. The Committee of Safety's correspondence indicates that the committee on conspiracies did not lack for business elsewhere. Where circumstances warranted it, the house resorted to special

Government prior to 1777

committess to supplement the work of the existing committee on conspiracies.58

Driven by the pressure of innumerable problems, the Convention devised every conceivable stratagem to maintain adequate attendance by releasing members from committee assignments. On February 11, 1777, the Convention dissolved the committee on conspiracies and replaced it with a commission of three nonlegislators who drew 12s. per diem for their service. The deputies picked three men from Dutchess to fill the new posts: Egbert Benson, chairman of the county committee, Colonel Jacobus Swartwout of the militia, and local committeeman Melancton Smith. The commission seems to have inherited the rights of its predecessor, although the Journal does not specifically state that it did. When the Convention resolved on March 7, 1777, to offer political prisoners an act of grace and thereby clear the jails, it inundated the commission. The terms of the resolution extended to all offenders except those who had taken up arms against the United States, those who had recruited for the British or had supplied them with provisions, and those who had conveyed intelligence to them. This meant that the commission interrogated not only those imprisoned in New York but also those incarcerated in other states. The prisoners’ discharge depended upon their taking a special oath of allegiance. Failure to comply entailed banishment within the British lines or imprisonment as “open enemies.” Although the Convention dissolved May 13, 1777, the succeeding Council of Safety continued the commission. Similarly, when the Council of Safety expired September 10, 1777, a convention of members of the new senate and assembly authorized the commission to proceed as before.59

Having instituted measures against the persons of Tories, the Provincial Congress soon felt obliged to appropriate their property. The house embarked on a confiscation policy on September 1, 1775, when it voted seizure of the personal property of those who joined the British army or took up arms against America. The local committees assumed trusteeship of such personalty, but the people tended to interpret the resolution as authorizing confiscation. The Declaration of Independence spurred some of the committees to wholesale confiscations of personalty and in some localities the committeemen sold the property. Later the Convention instructed the committee on conspiracies to sequestrate the effects of loyalists who broke their parole. 60

The military situation in Westchester helped to precipitate further confiscations. A Convention committee cooperating with the army in Westchester pleaded with the parent body to dispatch 600 to 700 militia reinforcements to hold the lower part of the county. William Duer, chairman, pointed out that if New York called in Connecticut troops, these would probably seize the property of loyalists who had fled or joined the enemy army. Two days afterward, February 22, 1777, the Committee of Safety ordered the public sale of Westchester loyalist personalty. The next month the Convention applied the Westchester action to the whole state. The resolutions created three commissioners in each county to dispose of the personalty of absentee loyalists by public sale, allotting to their families their apparel, furniture, and three months' supply of food. Income from the sales went to the state treasury "to be hereafter paid to the respective owners thereof, or otherwise disposed of at the discretion of the legislature. . . ." Although the Convention marketed personalty, it did not deal with realty in the same fashion. All houses and estates seized with personalty re-

60 Flick, American Revolution in New York, p. 220.
mained in trust until further disposition by the legislature in 1779.61

Since the distribution of powers between the Continental Congress and the states was not defined until the adoption of the Articles of Confederation, the Provincial Congress's interpretation of these relationships is difficult to ascertain. New York seems to have accepted without question the Continental Congress's primacy in the direction of the war, but from time to time it challenged Congress or its agents on specific issues.

Although the New York Provincial Congress depended in its relations with the Continental Congress upon delegates chosen from among its members, opposition to this method of determining representation cropped up in the spring of 1776. Sentiment for having the people elect the continental deputies arose in New York City, and Orange and Ulster counties. In the city the mechanics sought to rouse popular support for direct election but with indifferent success. The inhabitants of Goshen district, Orange County, deprived their provincial representatives of the power to choose continental delegates. A serious dispute occurred in Ulster on this question, but the county committee adhered to the current practice. Jay defended the New York Provincial Congress's position in the matter, arguing that all the colonies chose their delegates to the Continental Congress in this fashion. Furthermore, since the people gave their deputies that specific power in the elections for the Third Provincial Congress in April, 1776, Jay did not comprehend how the exercise of this power would injure the people's "right of election." After this incident, no further challenge developed.62

61 Ibid., p. 221; Jour. Prov. Cong., I, 808, 811.
The question of continental-provincial relations arose early in the First Provincial Congress. In May, 1775, Isaac Low, seconded by Gouverneur Morris, presented a resolution: "Resolved, As the opinion of this Congress, that implicit obedience ought to be paid to every recommendation of the Continental Congress, for the general regulation of the associated colonies; but that this Congress is competent to and ought freely to deliberate and determine on, all matters relative to the internal policies of this colony." After much debate, the opposition, led by Scott, carried a motion to table. Only Richmond County voted against tabling. Whatever the delegates may have said about the propriety or substance of Low's proposal, they did not entertain any idea of subordinating the colony to the authority of the Continental Congress. May 24, the day after this discussion, the house approved a letter to the Connecticut government in which it promised "that in this and all other matters, we will pay the highest attention to every recommendation of the Grand Continental Congress...." This language hardly qualifies as unconditional acceptance of continental supremacy.63

Having blocked the attempted definition of spheres of interest, Scott counterattacked on May 25 with a resolution "to fully approve of the proceedings of the [First Continental] Congress." This motion did not win approbation either, since the house tabled it without a formal division. However, a day later the members approved the General Association, signed it, and circularized the county committees to have every inhabitant sign it. One clause in the association pledged the deputies to "adopt and endeavour to carry into execution whatever measures may be recommended by the Continental Congress or resolved upon by this Provincial Congress for the purpose of preserving our

---

Government prior to 1777

Constitution, and opposing the execution of the several arbitrary and oppressive acts of the British Parliament. . . .”

Friction arose in January, 1776, when Washington ordered General Charles Lee to New York to fortify the port against a possible British attack. Fear that Lee might precipitate hostilities with the British men-of-war in the harbor drove the Yorkers to protest the expedition. Hearing of the New York reaction, the Continental Congress, under the prodding of the New York delegates, dispatched a committee to the city to investigate the expediency of the operation and to exert supervisory authority over it. The Committee of Safety assigned Scott and McDougall to wait upon the continental committee and to bring back a report. The committee informed the two Yorkers that the General came to take measures and to consult with the continental members for the defense of the city and not to begin a battle. The continental committee also requested supplies and barracks for the first contingent of the troops, which would arrive that evening. In the course of the debate in the Committee of Safety which the request provoked, Comfort Sands moved that the troops be halted until the committee conferred with the continental emissaries. Sands's motion lost by a vote of 4 to 3 with Scott voting in the negative and McDougall in the affirmative. Scott then advocated that the troops be admitted upon condition that the Committee of Safety control them until the Yorkers met with the continental committee and General Lee and until “further order to be taken thereon, with the consent of this Committee . . . or further direction of the Continental Congress.” This motion carried by 5 to 2 with McDougall shifting to support Scott.


The Committee of Safety achieved nothing by this last maneuver. The continental committee rejected these conditions on two grounds: first, that its instructions from the Continental Congress precluded their acceptance and second, that the assurances first given by it to Scott and McDougall rendered the conditions superfluous. Furthermore, Colonel David Waterbury, commander of the Connecticut units which were enroute to the city, practically defied the Committee of Safety. He refused to submit the troops to the committee's command and insisted he would "march them into the barracks." In the face of this resistance the Yorkers asked the Philadelphia committee for an immediate conference. Taking refuge in a technicality, the Committee of Safety argued that since General Lee would not accompany the first contingent and since the troops entered the city without any particular order of the Continental Congress, the Committee of Safety ought to have command of them. The committee from Philadelphia silenced the Yorkers by producing their instructions from Congress which gave them authority over Lee's forces. The Committee of Safety yielded because it had no alternative. The issue lay not in the question of continental versus local command, since Stirling's succession to Lee's authority in March brought no protest from the Provincial Congress. Rather the Committee of Safety apprehended that Lee's rashness might induce him to attack the British ships.66

Before quitting the scene, Lee stirred the wrath of the New Yorkers by ordering the imposition of test oaths on the Long Island Tories. He first hinted at the desirability of an oath on March 4, but the Provincial Congress did not reply. On March 5 Lee ordered his acting adjutant general, Isaac Sears, to offer a test oath to a list of Tories and to arrest those who refused to take it. On the seventh the General asked the New York Provincial Congress for a reply

66 Ibid., I, 278-79.
to his proposal on the Tories, but the provincial body ignored the request. Sears carried out his orders, but the Provincial Congress made no official protest, perhaps because Lee handed over his command to Lord Stirling on March 8. On March 12, Daniel W. Kissam of the Great Neck Committee, Queens, presented himself before the house to complain of Sears's conduct. These proceedings, Kissam asserted, "tend to convert whigs to be Tories." After hearing Kissam's account of these events, the Provincial Congress entertained a motion to summon Sears before it to explain his authority for his undertaking. The Journal noted that the house expended a "considerable time" in debating the motion but came to no decision. Although the deputies postponed the business to the next day, they did not revive the matter.67

This seeming oversight in connection with the test oath may have derived from action in the Continental Congress. The New York delegates in Congress heard of the affair and on March 8 won approval of a resolution which condemned the imposition of test oaths by military officers. Their letter to New York on the subject implied a rebuke to the province for not having protested to the Continental Congress, since the military had encroached upon the civil authority.68

A long-standing contest among New York, New Hampshire, and Massachusetts over adjoining lands disturbed continental-state relations in 1777. Some of the inhabitants of these counties (variously denominated the Grants, New Connecticut, or Vermont) memorialized the Continental Congress to admit their representatives as delegates from an independent state.69 The New York Convention, having intelligence of this maneuver, prepared in April, 1777,

68 Ibid., I, 379.
a forceful letter of instructions to their delegates in Philadelphia. If Congress should vote to seat the Vermonterers over the opposition of the Yorkers, ran the letter, the Yorkers should protest in the state’s name and "forthwith return to this state." The Convention added: "You are from time to time to oppose, . . . all such resolutions of Congress, as may impliedly or expressly infringe the rights or jurisdiction of this State." Lastly, the Convention threatened to withhold approval of any plan for confederation unless the Continental Congress upheld it on the Vermont question. Perhaps the threat of withdrawal from Philadelphia had its effect, for in June Congress vindicated New York, refusing to recognize Vermont as a state.70

The royal Indian Superintendent, Sir Guy Johnson, had aroused hostility toward the Whigs among the Indians and, as a result, the First Provincial Congress was forced to give its attention to Indian affairs early in its proceedings. After hearing disquieting reports from the Albany County Committee on Johnson’s maneuvers, the congressmen in June, 1775, discussed the feasibility of suggesting that the Continental Congress establish an Indian superintendency. They outlined their idea to the Yorkers in Philadelphia, giving them discretionary power to introduce the matter in Congress. Ultimately, the Continental Congress appointed a number of Commissioners of Indian Affairs, three of whom came from New York. The Provincial Congress relied on its committee system to meet such Indian problems as came before it, although it frequently had recourse to the services of the Albany County Committee to hold conferences with the Six Nations.71

In 1777 the Committee of Safety moved tentatively to revise Indian policy. A complaint from some of the Six Nations in Tryon County, alleging a land swindle by George

Government prior to 1777

Croghan of Pennsylvania, impelled the Committee of Safety in February to touch briefly on the general subject of Indian relations. Besides enjoining James Duane and Gouverneur Morris to investigate the complaint, the committee ordered them to draw up a proposal for regulating Indian affairs. Duane and Morris did not report back to the committee, nor did they make any presentation to the Convention when it reconvened in March. When the Convention dissolved itself in May, 1777, it “resolved and ordered” that the two men report to the succeeding Council of Safety. The committee did work out recommendations, but the Council of Safety never formally received them. The suggestions would have deposited authority to regulate Indian affairs in the hands of special commissioners who would “superintend, manage and direct all Publick Business” of this kind.72

Although the Provincial Congress combined legislative and executive functions, it did not assume responsibility for the normal administration of justice. After the Declaration of Independence the Convention ordered all Whig judges to proceed as before, provided that “all processes and other their proceedings, be under the authority and in the name of the State of New York.” The Convention, however, did intervene on two occasions to appoint judges. In July, 1776, the Convention instituted a court of admiralty and offered the seat to Richard Morris, a prominent judge. When he declined, the legislature commissioned Lewis Graham to fill the post. The second essay into judicial affairs originated in military necessity. Recruiting for the Continental Army regiments in Westchester centered around Peekskill, a supply base. William Duer complained that the lack of a justice of the peace in the vicinity to administer an oath hampered enlistments. The Convention responded by appointing William Paulding “with the like powers, privi-

legates and authority now or heretofore enjoyed and exercised by a justice of the peace in this State."  

The committee system was the mainstay of governmental procedure. The house did not grant its committees autonomy but maintained a close check on their operations. No doubt duplication of effort did occur. Possibly a more serious handicap for the government lay in the shortage of manpower, since most members divided their time and energies among a number of committees. Notwithstanding its inefficiencies and mistakes, government by committee did see the state through a most critical period and did prevent a breakdown of the war effort. Equally important, the Convention wrote the first state constitution in the midst of great difficulties.

Making Haste Slowly: Framing the Constitution

When the Fourth Provincial Congress opened its proceedings on July 9, the primary business of the day was not a constitution but the Declaration of Independence. The Provincial Congress promptly adopted resolutions that heartily endorsed the Declaration and that made New York the thirteenth colony to vote approval. The next day the delegates converted themselves from an illegal, revolutionary body into the Convention of Representatives of the State of New York; the Fourth Provincial Congress had but a fleeting life.

If the people expected the Convention to plunge into the task of constructing new political foundations, they were disappointed. When the matter was first discussed on July 10, the house agreed to defer consideration until July 16. On the appointed day an influential group blocked debate by pleading that “the present dangerous situation . . . demands the unremitted attention of every member.” This sentiment prevailed and the members consented to set aside debate until August 1. It is quite likely that the difference over this point concealed more profound disagreement, indicating the marshaling of the hostile elements for the grand contest over the constitution. A Connecticut observer explained the circumstances this way: “the Toryfied in the House prevailed to have it postponed, the Whigs say
they were willing to have it so, as they [expec]t that by & by
they shall have better grounds to build their new Constitu-
tion upon." ³

On August 1, Gouverneur Morris opened the business
with a motion to select a committee to draft a constitution.
William Duer seconded it and the proposition passed unani-
mosly. But here the unanimity quickly dissolved as Mat-
thew Adgate of Albany proposed that the house direct the
committee to draw up first a bill of rights "as the foundation
of such form of government." Morris sought to kill the
measure by moving the previous question, but the house
voted him down. An amendment by Duer to direct the
committee to report simultaneously both drafts carried by a
"great majority" and, thus amended, Adgate's proposal
received unanimous approval. ⁴

Turning to the selection of the committee's personnel, the
Convention embroiled itself in controversy over General
John Morin Scott's right to hold a seat in the house. The
dispute had sprung up the previous day after some remarks
by Scott on a matter of Westchester patronage. ⁵ The patron-
age involved command of the drafted militia who had mobil-
ized for the defense of New York City. The Convention, on

---

¹ Jay described the fluidity of the situation: "We have a government, you
know, to form; and God only knows what it will resemble. Our politicians,
like some guests at a feast, are perplexed and undetermined which dish to
prefer." Jay to Rutledge, July 6, 1776, quoted in William Jay, The Life of
John Jay with Selections from His Correspondence and Miscellaneous Papers
Washington, D.C., 1837-1853), 5th ser., I, 40.


³ Jedediah Huntington to Jabez Huntington, July 20, 1776, Connecticut
Historical Society Collections, XX (Hartford, 1889), 312.

⁴ Jour. Prov. Cong., I, 552.

⁵ The rush for political plums in the power of the Provincial Congress
had begun early in the conflict. An onlooker distastefully commented: "In
the disposal of offices, particularly in the military department the most
shameful partiality prevails, all or most of the inferior commissioned officers
being selected from the creatures and absolute dependents of the governing
party. Indeed the conduct of our gentry & principal people has rendered this
vile arrangement almost inevitable." Dr. John Jones to Duane, July 13, 1775,
James Duane, "The Duane Letters," Southern History Association Publica-
tions, VII (Washington, D.C., 1903), 249.
Morris’s advice, bypassed the senior colonel of the Westchester militia, Joseph Drake, who normally would have received the post, in favor of a junior colonel, Thomas Thomas. Thomas’s family, locally prominent, had allied itself with the Morrises. Drake’s protest and resignation might have gone unheeded, but the officers and men of his regiment refused to serve under Thomas. The obduracy of the militia necessitated the Convention’s intervention. Scott, as commander of this detachment of 3,000 militia, opposed Thomas’s selection “lest it might injure the service by placing officers in service out of their proper tour of duty or rank.” His comment gave umbrage to Morris who resented this interference in his own bailiwick.⁶

Counterattacking from an unexpected quarter, Morris questioned Scott’s right to his seat in the Convention. Morris demanded that Scott not be “permitted to speak or interfere in the debates of this Convention.” He buttressed his challenge with a congressional resolution of June 15 which stated that no officer in the pay of the Continental Congress or of the colony ought to have a seat in the Provincial Congress. In rebuttal Scott “claimed his seat on behalf of his constituents.” Leaving aside these broad grounds of defense, Scott might have countered with some pertinent observations on generals in the Convention. When the Convention officially accepted the New York County delegation’s credentials on July 10, Morris offered no objection to General Scott. The latter did not take his seat until July 31, but Morris did not object to Scott until after the latter had participated in the Westchester imbroglio. Furthermore, two other generals had won election to the house without undergoing any scrutiny of their rights. In fact, the convention had chosen General Nathaniel Woodhull, commander of the Suffolk militia, as

---

its president. Also, Westchester had returned to the house General Lewis Morris, commander of that county's militia and Gouverneur's kinsman. It is possible that when he challenged Scott on July 31, Gouverneur Morris was thinking of the next day's debate on a constitution.\(^7\)

The Convention never resolved the issue raised by Morris. After a lengthy exchange of views the members voted to examine the merits of the challenge August 6. Not until the seventh did the Convention revert to the subject, but then it postponed it again to August 14. However, the Convention did not discuss the matter again. Perhaps informal discussion convinced Morris that he could not muster a majority for his contention. In the interim the city committee sent the Convention an irate letter which condemned this attempt to deprive the people of their right "to say who shall represent them" in convention. Pleading the "forlorn and deserted" condition of the city as the reason for not having collected signatures to protest petitions, it asked that Morris's motion be erased and "buried in eternal oblivion."\(^8\)

The Convention did select its constitutional committee on August 1 and did place Scott on it. Although Scott did not attend that day, Morris must have expected that his own constitutional views would differ basically from those of Scott. Consequently, he opposed Scott's nomination to the constitutional committee on the ground that the Convention had not yet determined his status. When the polling on Scott's nomination ended, the General narrowly prevailed through the support of the New York, Albany, Ulster, and Tryon delegations.\(^9\) In addition to Scott the committee comprised Jay, G. Morris, R. R. Livingston, Duer, John Sloss

\(^7\) *Jour. Prov. Cong.*, I, 551.
\(^8\) *Ibid.*, I, 551, 557.
\(^9\) The vote was 21 to 20. Westchester, Dutchess, Cumberland, Suffolk, Gloucester, and Queens supported Morris. Presumably Kings, Orange, and Charlotte lacked quorums and could not vote. *Ibid.*, I, 552. Peter R. Livingston to Colonel Robert Livingston, August 2, 1776, Livingston Redmond Papers, FDRL.

Since three of the committee (Jay, Livingston, and R. Yates) were serving on a secret committee to obstruct the Hudson to the British, the Convention sent them a letter which informed the three men of their additional duties and directed them "to meet upon this important business as early as possible."\textsuperscript{11} Although Livingston hurried to the Convention in response to this news, so far as is known, no committee meetings occurred.

Livingston's presence had some connection with the desire of certain members to have the Convention immediately elect a governor. Neither the precise details nor the persons involved are ascertainable, but Livingston's agency in the business is definite.\textsuperscript{12} He tendered the nomination, if not the office, to Philip Livingston then in Philadelphia. Declaring his "unfitness" for the office, Livingston advised the Convention not to select him. Nevertheless, he added, if the Convention should pick him, he would not refuse the post. If this statement seems like the stock reply of the modern politician, it is an unhappy coincidence. His explanation has an honest ring to it. He feared a refusal might "be construed by some as [a] desert[ion] of the righteous causes ... at a most dangerous crisis. ... At so critical a moment it

\textsuperscript{10} Of these thirteen men, two, Hobart and Townsend, never attended the committee; four, Smith, Scott, Morris, and Broome, were often absent. Jay, Livingston, and Duer were conservatives and Abraham and Robert Yates, Wisner, and DeWitt were moderates. For the definition of the terms "conservative" and "moderat," see below, p. 231.

\textsuperscript{11} The Convention had chosen Jay, Livingston, R. Yates, Christopher Tappen, Gilbert Livingston, and William Paulding to be a committee for that purpose in July. \textit{Ibid.}, I, 526-27, 555.

\textsuperscript{12} Since the matter was important, it was unlikely that R. R. Livingston acted without the foreknowledge of Morris and Jay.
might have a bad effect to have it even supposed that any one who has had an early part to act in this contest shd. not remain ready to step forward when called upon by the Public.”

It would appear that word of either these negotiations or intentions reached the ears of Tory William Smith. Furthermore, Smith harbored the suspicion that a visitor, Peter R. Livingston, had come to offer him the candidacy: “I suspect that Mr. L came to sound me on the Design of tending the Governor’s Place to me & that he was silent upon discovering by my conversation, that I was opposed to the Disunion of the Empire.” For whatever reasons, the plan, being still-born, never reached the Convention floor.

The constitutional committee did not meet during the month of August, probably owing to the absence of Jay, R. R. Livingston, and Yates who were exerting themselves on the secret committee. Livingston, however, did spend a week early in August in attendance at the Convention and expended some energy in persuading his colleagues that the work of the secret committee was more important than that of the constitutional committee. In fact this was the ground advanced to justify their absence and the Convention acquiesced in it.

---

13 Philip Livingston to R. R. Livingston, August 15, 1776, Miscellaneous Mss: Philip Livingston, NYSL.
14 Smith, Memoirs, V, August 11, 17, 1776. It was perhaps with this interview fresh in his mind that Smith that same day scrawled an abrupt, incomplete note to Schuyler: “I have ten Thousand Things to say to you, but must suppress at present, except that as a great Landholder, I think your Interest, at this tremendous moment of forming a new Government, calls you rather to the Cabinet than the Field. . . .” August 17, 1776, Schuyler Papers, NYPL.
15 With Livingston present, the Convention drafted this letter to Jay and Yates: “As you are both of the committee for the framing a new government, the Convention think it highly proper that you should attend upon that business immediately, unless your presence is absolutely necessary in the secret committee [italics mine]. . . .” The following day the Convention formally resolved that it would be “improper” to recall Jay and Yates and gave Livingston leave to join them. However, private correspondence indicated that other motives were responsible. Livingston informed Clinton: “I wrote likewise to you on our political state & the necessity we are under of having your assistance, of which you would be fully convinced if you could
The Convention stressed the secret committee's priority over the constitutional committee and the necessity of attendance by Jay, Livingston, and Yates to insure a quorum on the secret committee, but the explanation lacks conviction. Three months later when Washington was retreating in New Jersey, the secret committee received an important letter and survey from General George Clinton relative to blocking the Hudson. This was the committee's reaction: "Mr. Wisner put the survey in his pocket, Mr. Gil[bert] Livingston took the letter with him immediately on a visit to his wife & is not returned. There the obstruction slept till this afternoon [i.e., November 26, three days after]." 16 Although the secret committee flatly stated that without a quorum "nothing further can be done," its letters belie it. On three occasions in July, August, and September it did not have quorums, but that did not impede its labors. 17 The conclusion seems inescapable that a powerful group, which included the Livingstons, Morris, Jay, and Duer, were striving to delay the drafting of a constitution.

The constitutional committee successfully evaded several deadlines. When the day for the committee's report, August 27, arrived, the Convention voted it a reprieve until September 4. Distracted by American military losses at the end of August, the Convention adjourned and journeyed up the

---

16 Clinton to Convention, November 23 [?], McKesson to Clinton, November 26, 1776, ibid., I, 430-31, 432-33. In view of the urgency explicitly expressed by Clinton, Gilbert Livingston's action was odd. Yet this is the same Livingston who complained to the Convention in an oft-quoted letter: "notwithstanding the sense of the House appeared to be at the time we left it, first to endeavor to secure a State to govern, before we established a form to govern it by; yet that a day is fixed to take this important business when a part of its body is absent by the command of the House." Jour. Prov. Cong., II, 280.

Hudson to Fishkill. For the second time the deadline lapsed and not until September 14 did the subject arise in the house. Then a complaisant Convention ordered its committee to report "with all convenient speed."18

The representatives' failure to produce even a draft two months after the Declaration of Independence gave rise to uneasiness in certain circles. In a debate in the Albany County Committee Jeremiah Van Rensselaer led the way in criticizing the delay. "The public are impatient in the highest degree," he said, and contrary to earlier promises, some months have elapsed without visible progress. His conclusion depicted an alarming situation: "Suspicions are daily increasing, the usual harmony is in a great measure rent in pieces, their [i.e., the people's] faith in the Representatives tottering."19 Van Rensselaer moved that the county committee inform their deputies in the Convention that any further procrastination "will be attended with alarming circumstances." Since Convention delegates Leonard Gansevoort and John Tayler attended this meeting of the county committee, there can be little doubt that these rumblings of impatience reached the ears of the Convention.

The delay in drafting the constitution continued into October. Perhaps coincidentally, the day Gansevoort returned to his Convention duties, September 28, that body directed its committee to report a draft "on or before" October 12 and ordered it to "sit every afternoon till they shall be ready to report."20 Although the obstructionists had

18 Jur. Prov. Cong., I, 594, 625. The Convention stood adjourned for much of this period, since its power was in the hands of a committee of safety.
19 September 20, 1776, J. Sullivan, ed., Minutes of the Albany Committee of Correspondence, 1775-1778 and Minutes of the Schenectady Committee, 1775-1779 (2 vols.; Albany, 1923, 1925), I, 557-58. Van Rensselaer's motion to appoint a committee to draft formal resolutions carried, the committee consisting of himself, Joseph Young, George Palmer, Leonard Gansevoort, and John Tayler. The minutes, however, do not indicate that the committee ever reported.
20 Jur. Prov. Cong., I, 649, 651. The Journal records no formal division. The Convention added Duane to the committee and reduced the quorum to five, which made it easier to have meetings.
Making Haste Slowly

suffered a setback, they did not abandon the field, and Wisner complained a week after: "the formation of government goes on very slow indeed; we have done little or nothing about it." A short time after Wisner grumbled over the situation the committee did commence its business, although, insofar as the Journal records, the Convention did not adhere to its resolution of September 28. So rapidly did the committee's labors proceed that by October 18 Secretary John McKesson proudly declared: "The plan of government and justice (a child of Heaven) is so far come to maturity that I had the honor yesterday to make a copy of it for some other members of the committee on government, and has not yet been further exposed to view."

Since McKesson seems to have transcribed a preliminary draft which contained incomplete or unsatisfactory sections, the drafting committee returned to its labors in November. Fragments of the committee's meetings, dated November 5 and 6, indicate that the members were debating problems relating to the election of senators and the governor. A proviso for the indirect election of the senators prevailed by a 4 to 2 vote, but there was unanimous agreement to have the governor elected by the freeholders and the secret ballot. The committee's rate of progress encouraged the Committee of Safety to adopt a resolution November 12 which notified the county committees that the Convention was at work on the constitution and bade them to insure their county's prompt attendance.

It is instructive to note that the members deemed two weeks sufficient time for the committee to hammer out a draft.

21 R. R. Livingston indicated the defeat to Schuyler: "The Convention have determined to take up the matter of government peremptorily on the 12th inst. You promised to write to me on that subject, let me hear from you as soon as possible." Livingston to Schuyler, October 2, 1776, Schuyler Papers, NYPL.

22 Wisner to Clinton, October 4, 1776, Clinton, Public Papers, I, 368.

23 McKesson to Clinton, ibid., I, 384. Other deputies informally discussed the committee's efforts. William Smith, Memoirs, V, October 18, 1776.

24 Voting for the measure were Livingston, Scott, Duane, and Smith; opposed were R. Yates and Wisner. Cal. Hist. Mss., I, 552, 558.
At this juncture constitutional principles became entangled in political maneuvering. The next day, November 13, a move to postpone execution of the resolution provoked lengthy exchanges, but this proposal did not owe its inception to the desires of the obstructionists. On the contrary, it was the adherents of Scott and Clinton who argued for a stay of the proceedings. Since both men were with their army commands, they could not participate in this vital business. Their opponents, led by R. R. Livingston and Duane, countered by insisting that those officers had volunteered to take active command and that they must have expected that the Convention would write the constitution without their participation. If necessary, the opposition argued, the Convention might request General Israel Putnam to give them leave when the draft was in the final stage. The Livingston-Duane motives paralleled those of the Scott-Clinton adherents. The former disclosed that the Dutchess County members (among them Livingston) would stand for reelection in December and, not having finished the constitution, might not win, especially since the county's freeholders were in the army “fighting the battles of the Convention” and could not vote. The exclusion of the Dutchess men, after they had been “steady” and “done great service to the public,” would be an injustice. “Justice to the freeholders” and those “heroes of the county” in arms demanded that the Convention brook no delay in forming a government. The Livingston-Duane leadership triumphed and copies of the resolution went out to the counties.

---

25 Jour. Prov. Cong., I, 710. Duane indicated that most of the work had been completed but that one of the remaining major problems was the constitution of a court of appeals in error. Smith, Memoirs, V, November 6, 1776. See also Ebenezer Hazard to Pierre Van Cortlandt, November 6, 1776, Force, American Archives, 5th ser., III, 548.

The Committee of Safety governed until December 4 but under a stipulation by the Convention could not debate the constitution. Jour. Prov. Cong., I, 677.

26 The Journal does not record any of this dispute. McKesson to Clinton, November 15, 1776, Clinton, Public Papers, I, 424-26. The Convention did
In the ensuing weeks the constitutional committee alternated between industrious labor and inaction. At times of inactivity the Committee of Safety had to prod the committee's members once again. Schuyler expressed his apprehension of the evil that would result from further procrastination by the committee. It will be more difficult "to bring the unprincipled and licentious to a proper sense of their duty," he warned. While the General was writing this warning, the committee resumed its meetings. Shortly thereafter, Chairman Abraham Yates, Jr., gave notice that the committee would submit the long-awaited draft to the Convention on December 20. There followed two postponements in rapid succession on December 20 and 21, and two days later the chairman obtained permission to leave the Convention. Although both Yates and Duane unequivocally stated that the committee had completed the draft, it did not report the draft to the Convention.

not meet until December 5 and then only for the day. The Committee of Safety governed with some exceptions until March 6.

The matter of the Dutchess elections is obscure. No evidence of a December election can be found. It is possible that the county committee extended the life of the delegation.

McKesson said that at least one member opposed delay because "people had not Time to think or Criticize; they would greedily accept such form of Govern'mt as might be proposed. That in winter & more Leisure many more difficulties & of course delays might arise." Ibid.


31 Robert Yates to Duane, December 25, 1776, Force, American Archives, 5th ser., III, 1421; Smith, Memoirs, V, December 27, 1776. The curious silence suggests further disagreement within the committee. Indirect support for this idea comes from the further revisions that were made in the draft after December. It would seem that the introductory section on the state's boundaries was one element in this situation. The sharp language in this paragraph was aimed probably at New Hampshire with whom New York had been entangled in a protracted contest for control of the Vermont lands.
For a brief time February gave promise of being the decisive month but it too joined the ranks of the months of unrealized expectations. The Committee of Safety in early February detailed Duane and Robert Yates to collect "sundry maps and materials" to enable the drafting committee to "describe the boundaries" of the state. On February 11 in a one-day session the Convention stated its intention of opening its consideration of the constitution on February 19 and voted to inform the county committees of its plan. Explaining this decision, Duane said that unless the government acted, some of the delegates whose terms expired in May would have to face their constituents empty-handed. Notwithstanding its intent, the Convention did not assemble February 19 and the matter lapsed.

The end of the committee's work, however, was in sight. The members seem to have completed even the determination of the state's boundaries late in February. Copies of the draft constitution began to circulate outside the confines of the committee; some Convention delegates displayed it to friends. As a matter of fact, the obstructionists could not deny much longer the pressure for action. When the Convention resumed sitting March 6, the house accepted without a division Gansevoort's motion ordering the constitutional committee to bring in its report on March 12. Thus on March 12 the long-awaited draft made its debut.

It will be useful to pause here to ascertain the stages through which the draft progressed. The committee's labors extended in uneven fashion over the months from October

The territorial description was worked out in February. Lincoln, Constitutional History of New York, I, 501.
33 Ibid., I, 782, 802, 803; Smith, Memoirs, V, February 15, 1777. The notification to the counties was intended to procure a Convention quorum since the Committee of Safety could not debate the constitution.
34 John H. Livingston to R. R. Livingston, February 28, 1777, R. R. Livingston Collection, NYHS.
to March, but the members concentrated most of this effort in the first three months. The committee produced a first draft in two weeks but then took two months to revise and expand it. It should have presented this revised copy to the Convention in December. Although the constitution would go through four more revisions before reaching the house floor, none of these would drastically alter the December draft. Only two members of the committee, Hobart and Townsend, did not participate in its work during these three months. The Yatesses, Smith, Duane, Livingston, Wisner, Jay, Duer, and DeWitt were present most frequently, while Scott, Morris, and Broome attended least.

Historians hitherto have given Jay principal credit for inditing the constitution, believing that the Convention produced only one copy. Charles Z. Lincoln, however, discovered in the State Library two drafts and addenda which he reprinted, thereby rendering students an invaluable

---

36 The committee does not seem to have functioned at all in January but spent most of February and two weeks in March on revisions.
37 See below, pp. 287-40.
38 Since the constitutional committee sat as part of the Committee of Safety or of the Convention, the attendance recorded in the Journal provides a clue to the committee's operation. However, the secretary did not always record latecomers as present and some committee members did not always check in with the Committee of Safety before joining their committee. The Journal consequently is not an accurate guide, but it does yield the minimum attendance of the committee members. The statement on attendance, therefore, is a minimum estimate based on the Journal. Ibid., I, 661-750.
service. Accepting the verdict on Jay, he concluded that these documents were working copies of the Convention's deliberations since one of them, draft B, seemed to be in McKesson's hand and to be a revised copy of draft A. Fortunately, a third fragment of eighteen pages has survived among the Yates Papers, making possible a more precise identification of each. A careful collation of the three drafts and the debates in the *Journal* reveals that Lincoln's copies were not working copies but were in fact committee drafts.

---

41 Ibid., I, 498-99.
43 Since the debates proceeded clause by clause, it is possible to check the changes proposed and adopted against the drafts. For example, the house adopted the first paragraph without change. The final text, however, does not agree with the drafts. The latter had a section on the territorial limits of the state, which does not appear in the former. The draft under consideration could not have contained this section, otherwise the *Journal* would have noted its deletion. The same thing is essentially true for paragraph two. The word differences between Lincoln's drafts and the final text can be explained only by the conclusion that Lincoln's were not under debate. An important illustration can be found in the fifth paragraph. The changes proposed by Morris cannot be fitted into Lincoln's copies. The subject of this fifth paragraph was voting by ballot and in the drafts consisted of a long section of almost five pages. Morris's alterations would have eliminated voting by ballot in favor of the existing voice vote. As given in the *Journal* he moved to strike out "by ballot" and substitute "according to," and to strike "shall continue to have their full effect." A comparison with the pertinent portion in Lincoln, *Constitutional History of New York*, I, 507-8, will make it apparent that Morris's substitutions do not pertain to the Lincoln drafts. "And this Convention doth further ordain that all Elections for representatives in General Assembly shall be made by ballot in every county out of the Freeholders personally residing in each respective county. That the laws in force in the colony of New York for regulating elections shall continue to have their full effect where they shall not be repugnant to the Constitution hereby established and until they shall be altered or repealed by a future legislature." Morris wanted to delete the italicized words. Furthermore, these changes would not have eliminated ballot voting since the following sections set out in detail the method to be adopted in balloting. Therefore, in order to complete the change, Morris would have had to move to strike out everything after the last line quoted above, but he did not. *Jour. Prov. Cong.*, I, 834, 836. For other differences compare *ibid.*, I, 836, 843, 867, 869, 873, 886 (paragraphs 6, 8, 13, 15, 22) with Lincoln, *Constitutional History of New York*, I, 514, 515, 523, 524, 531.
Making Haste Slowly

There is a sequential order to these versions of the constitution. An important clue for establishing the precedence of the various drafts is the preliminary section delimiting the territory of the state. Since the committee did not elaborate this proviso until February, the territorial section must have been one of the addenda to draft A in Duane's handwriting which grew out of the revision in early February of the December copy.\textsuperscript{44} Therefore, draft A was probably the committee's December version.\textsuperscript{45} Draft B is not the corrected version of A but rather the revision of the fragment in the Yates Papers. The last work, which we may for convenience denote draft C, incorporated the changes in A and the addenda plus other minor variations. In effect then, C was the third revision and the committee finished it in February. Still not satisfied with their handiwork, the committee revised C, in some instances returning to the terminology of A. This was B and it reached completion by the end of February.\textsuperscript{46}

Although the committee had finished revision B, it chose to refine it further. Up to this point it seems clear that the constitution was the product of the joint labors of the committee, but it is also clear that the committee did not report the B copy to the House for debate. The committee submitted to the Convention a fifth copy which was very likely Jay's handiwork. Substantiation for the tradition comes from Chancellor Livingston and a pseudonymous writer who consulted the Convention manuscripts then in the possession of John McKesson's nephew. This unknown author, "Schuyler," stated that the draft of the constitution among these papers was in Jay's hand.\textsuperscript{47} It is possible that the committee

\textsuperscript{44} \textit{Jour. Prov. Cong.}, I, 795.
\textsuperscript{46} John H. Livingston obtained his copy from Albany delegate Abraham Ten Broeck on February 27 or 28. John H. to R. R. Livingston, February 28, 1777, R. R. Livingston Collection, NYHS.
assigned to Jay the task of polishing the draft, a task which he accomplished in the first twelve days of March.\textsuperscript{48} Jay seems principally to have contributed clarity and economy of language, for McKesson declared the day after the report that it "omitted the method which proposed for electing by Ballot & sundry other matters by which the report is much shorter than when it was last copied."\textsuperscript{49} A reconstruction of Jay's draft from the \textit{Journal} furnishes only a general skeleton of his labor, but it does reveal that he adhered closely to draft B, retaining the same topical order. He eliminated completely two sections, that describing the territorial boundaries and that prescribing oaths of office. Undoubtedly the most important alteration was the curtailment of the section on balloting for assemblymen in which was set forth in detail the requisite procedure. Jay retained that portion which enunciated the general principle of voting by ballots, deleting the several pages of minutiae.\textsuperscript{50} Other than these, there are

\begin{footnotesize}
\begin{itemize}
  \item The Chancellor in uncomplimentary fashion attributed a version to Jay amidst the scurrilous gubernatorial campaign of 1792. In an anonymous piece addressed "to --- M---, Esq., Representative of --- County" Livingston referred to "the constitution as first reported by Mr. Jay" as being in McKesson's possession. A later piece signed "Aristides" challenged Jay to name that proviso of his draft which would uphold his claim to eminence as a statesman. Internal evidence suggests "Aristides" is the Chancellor. "To --- M---, Esq.," \textit{N.Y. Extraordinary}, March 31, 1792; draft dated March 7, 1792 in R. R. Livingston Collection, NYHS. "To Timothy Tickler, Esq., C--- J--- of the U--- S---" by "Aristides," \textit{N.Y.J.}, April 4, 1792.
  \item Morris moved in Committee of Safety on March 1 to direct the drafting committee to meet the following day, but the Committee of Safety rejected the motion. On March 4, however, the committee did order the constitutional committee to sit. It is likely that on this occasion the latter group discussed Jay's draft. On March 6 the newly assembled Convention set March 12 for the constitutional report. \textit{Jour. Prov. Cong.}, I, 821, 823, 826.
  \item McKesson to Clinton, March 13, 1777, Clinton, \textit{Public Papers}, I, 657-58.
  \item If one takes into consideration the changes proposed on the Convention floor and the phraseology of draft B, this balloting paragraph may have resembled the following reconstruction: "That all elections for representatives in General Assembly shall be made out of the freeholders personally residing
\end{itemize}
\end{footnotesize}
Making Haste Slowly

no substantial differences in content between the two drafts.\textsuperscript{51}

Although the Convention on August 1, 1776, had resolved unanimously to direct its committee to prepare simultaneously a constitution and a bill of rights, there is no evidence to indicate that the committee prepared the latter document.\textsuperscript{52} Furthermore, no one formally challenged the committee for contravening its explicit instructions. The house could not construe anything in the draft as a bill of rights, although separate paragraphs guaranteed voting rights, religious freedom, and trial by jury where currently practiced.\textsuperscript{53} The debates afforded full opportunity for amendments and changes, but no one introduced anything that resembled a rights bill. Gilbert Livingston moved and the Convention adopted a limited guarantee that preserved to the individual all rights and privileges granted by the constitution, unless removed by the "law of the land and the judgment of his peers."\textsuperscript{54} The failure of the more radical delegates to criticize the omission of these vital principles remains unexplained, even though they did strive to democratize other sections of the draft.

\textsuperscript{51} It is possible that Jay's proposed amendments on the floor were the consequence of their rejection in committee. See Alexander, \textit{A Political History of New York}, I, 14, for a different explanation.

\textsuperscript{52} Robert Yates, writing in 1788 under the pseudonym "Sydney," threw some light on the fate of the bill of rights. Those who favored the bill based themselves on English precedents: the Petition of Right, 1628, and the Bill of Rights, 1689. Those opposed denied the analogy, comparing New York to a "state of nature" without any constitution; therefore, any new constitution would operate as a bill of rights. Moved by these considerations and the provisions for frequent elections and impeachment, the Convention dropped the idea. \textit{N.Y.J.}, June 13, 1788; Paul L. Ford, \textit{Essays on the Constitution of the United States, Published During Its Discussion by the People 1787-1788} (Brooklyn, 1892), pp. 297-314.

\textsuperscript{53} Lincoln, \textit{Constitutional History of New York}, I, 522, 541, 547. Although the old charter of 1683 had granted the right to indictment by grand jury, the revolutionaries did not adopt it. \textit{Ibid.}, IV, 69.

\textsuperscript{54} \textit{Ibid.}, I, 522.
Historians frequently have ascribed the eight months' delay in producing a constitution to three factors: the proximity of the British army, the critical military situation which absorbed the energy of the delegates, and the long absences of more radical members who were fighting the war rather than attending the Convention.\textsuperscript{55} No doubt on specific occasions any one or combination of these elements caused a postponement, but more than a century ago Sparks put forward a different explanation:\textsuperscript{56} "There was a party, who thought this movement for a constitution premature, that it would be safer to wait for a period of more tranquillity, and a fairer prospect of calm reflection and deliberation among the members, and when the people likewise would be in a better condition to understand and receive the results of their labors." Documentation does exist to support Sparks's interpretation. As he pointed out, Jay was a proponent of this attitude: "The difficulty of getting any government at all you know has long been an apprehension of little influence on my mind; and always appeared to be founded less in fact, than in a design of quickening the pace of the House . . . the birth of the constitution was in my judgment premature. . . ."\textsuperscript{57} The sharp political conflict in


\textsuperscript{56}Sparks, \textit{The Life of Gouverneur Morris}, I, 120. Spaulding in Flick, \textit{History of New York}, IV, 156, thought it likely that political differences delayed the drafting.

\textsuperscript{57}Jay to Morris and Livingston, April 29, 1777, Sparks, \textit{The Life of Gouverneur Morris}, I, 126-27; Henry P. Johnston, ed., \textit{The Correspondence and Public Papers of John Jay} (4 vols.; New York, 1890-1893), I, 135. Abraham Yates, Jr., writing under the pseudonym "Rough Hewer" in 1788, said of the drafting committee: "A diversity of opinion soon took place in this Committee not whether the government should be of the republican form partaking of monarchy, aristocracy and democracy; but what proportion of ingredients out of each should make up the compound." Yates Papers,
Pennsylvania where the radicals had been instrumental in establishing a constitution in 1776 stimulated edifying comments among New Yorkers. Responding to Duer’s description of the conservative defeat in Pennsylvania, Livingston observed: “You know that nothing but well timed delays, indefatigable industry, and a minute attention to every favorable circumstance could have prevented our being exactly in their situation.” The New York conservatives, fearing radical triumph in an immediate debate on a constitution, drew deeply and successfully on their political experience to avert a reversal.

Any division of the Convention delegates vis-à-vis the constitution into conservatives, moderates, and radicals entails the risk of creating a separation which had no reality. Nevertheless, an analysis of the sundry informal proposals of the members, the committee drafts, and the final document warrants the categorization of the membership into these three broad groups. For example, the conservatives divided the electorate, permitting broad participation in the choice of a lower house but imposing high property qualifications for voting for an upper house and chief magistrate. The radicals extended the ballot to all white, male taxpayers, making no differentiation as between various houses of the legislature and offices. The moderates adopted the taxpaying qualification for the election of a lower house but insisted on a £40 freehold condition for the choice of an upper house and governor. The fact was, however, that the moderates had no commitment to any program and in the floor debates sometimes switched positions in order to vote for conservative propositions.

NYPL. See also Duer to Schuyler, June 19, 1777 and Duane to Schuyler, June 19, 1777, Schuyler Papers, NYPL; Egbert Benson to Livingston, December 3, 1777, R. R. Livingston Collection, NYHS.

58 Duer to Livingston, May 28, 1777, Livingston to Duer, June 12, 1777, R. R. Livingston Collection, NYHS. See also Philip Livingston, Duane, and Duer to President of New York Convention, April 29, 1777, Jour. Prov. Cong., II, 428.
Writers have cast little light upon the constitutional ideas prevalent either among the populace or among the Convention members. Fortunately, the committee drafts were not the sole evidence of contemporary thought on the subject. While the press furnished suggestive material indicating the various political currents, hints have survived elsewhere as to the attitudes of the delegates.

The newspapers at least partially mirrored the public discussion of the projected charter of government. Some of the contributors to the newspapers stressed the need to break with tradition, to build “a new form of government . . . without destroying private property.” 60 “Spartanus” would have dispensed with the colonial legislature in favor of a unicameral assembly, holding up the Roman Republic as the proof of bicameralism’s fatal weakness. 61 The legislature would exercise executive power also and during its recess would transfer this authority to a legislative committee. The house would choose provincial officials, but the people would elect local officials. In the former category were the provincial secretary, treasurer, attorney-general, and judges of the supreme court; in the latter were the county judges, justices of the peace, sheriffs and other officials, and all town officials. The people would vote annually for assemblymen and magistrates. The county election districts were to give way to small, equal election districts. 62 Although “Spartanus” did not discuss the suffrage qualifications, “Essex” would have broadened the voting base by granting the right to landholders owning realty valued at £40, to £40 leaseholders and renters, to those having personalty of £40, and to widows paying taxes on property in one of the foregoing

---

61 The conflict between patricians and plebeians destroyed the Roman Republic, “Spartanus” asserted. Ibid.
62 Letter 1II, ibid., June 20, 1776.
classifications. Those unenfranchised by these regulations would not pay taxes for the support of the legislature.\footnote{Ibid., March 7, April 14, 1776. He proposed also that the people elect the delegates to the Continental Congress.}

Other commentators adhered to the customary forms of governor, council, and lower house. One writer suggested Connecticut’s government as a model for the distribution of powers and for election requirements.\footnote{Anon., “To the Freeborn Sons of America,” \textit{N.Y.P.}, March 21, 1776. He proposed popular election of local officials in order to “shut the door against the mean, wicked arts of bribery and corruption.”} Another, “Independent Whig,” would have had the council chosen by the house for three-year terms. He expressed uncertainty as to who was to elect the governor, first placing that power in the hands of the legislature but then offering it to the people at large. Both governor and house were to be selected annually by ballot. His prescription for the suffrage was vague, “sufficient property to connect him [i.e., the voter] with the community,” but the ballot was to be a written one. Keeping the British system in mind, he ruled out dual officeholding (“places of profit should be few, and profits of places should be small”). Furthermore, the governor and council would not have the authority to suspend laws.\footnote{“Independent Whig,” \textit{N.Y.J.}, February 29, 1776.}

Writers on the religious question proposed freedom of conscience except for atheists. Every sect would have to finance itself by voluntary contributions. Although “Independent Whig” conceded that the majority might enforce the sabbath as a sacred day, prohibiting business and pleasure, he discountenanced compulsory public worship. The use of force to win converts, he wrote, was not tolerable. The only method to which to resort was the employment of “good sense, rational and scriptural arguments.” In this fashion America would not give people cause to look to the British for religious protection and would attract Catholics to the defense of American liberty.
In a number of respects, where comparison with the committee drafts is possible, the preceding ideas are more radical than the committee's. Whereas the committee conceived of a governor chosen by the £40 freeholders for a four-year term, the essayists proposed a governor chosen annually by all voters. The committee first favored an upper house which the £40 freeholders elected for four years to operate as a check on the lower house, but some of the newspaper partisans simply dispensed with an upper house. In the committee drafts the governor and legislature absorbed the appointive powers of the crown, but the polemicists urged the popular election of all county and town officials. Lastly, the committee adopted the existing practice of legislative appointment of delegates to the Continental Congress, whereas the press argued for the right of the people to choose them. However, both committee and press held at least three concepts in common: religious freedom, ballot voting, and equal representation in the assembly. On one very important issue, the franchise, the committee assumed a more radical position than the press, permitting those paying state or county taxes to vote for assemblymen.

Since the preparation of a constitution was a fundamental task of the Convention, the deputies engaged in extensive private discussion of the content to adopt. Evidence of this attention appears in the circulation among the members of no less than three plans unrelated to the committee's draft. Peter R. Livingston sent one of them to loyalist William Smith for his comments. Happily, Smith copied it into his
Memoirs. Consisting of sixteen brief paragraphs, this constitution represented a radical point of view. A council and house of deputies would share legislative authority and would be elected annually without regard to property by ballot by all taxpayers. The councilors would have executive functions also, which they exercised with a president. The president, chosen by ballot out of the legislature in joint meeting, would serve three years. The executive branch would enjoy no veto on laws. It would not possess, furthermore, much appointive power, unlike the colonial executive. The assembly would name all state officials to hold office during good behavior. The citizenry would elect triennially all county and local officials. Even where this plan did award appointive authority to the executive, it did so in very restricted fashion. The assembly would recommend to the president and council the appointment of military officers. The president would combine the duties of commander-in-chief, chancellor, and ordinary. By prohibiting assemblymen from holding salaried offices, this plan preserved the assembly's independence. Finally, the people would elect the representatives to the Continental Congress. No wonder Smith "reprobated" the whole document, complaining to Livingston: "The new Government will be intirely in the Hands of the Peasantry and the commercial Interests of the Capital derive no Safety from the petty Privilege of two members in the Council."

74 Ibid.
75 He sent P. R. Livingston his detailed objections to the draft, objections that could not fail to arouse misgivings among the great landholders. For example, on the question of the franchise, he wrote: "It is dangerous to Society to admit Persons with very small Property to participate in your Councils. The richest Member of the Community under a Government elective, annually elective and that too by Ballot is put upon the same Term with one who has scarce a Farthing to lose. What Security from such a Legislature against an agrarian law and all sorts of Rapine and Plunder! If every individual Legislator is not opulent, yet certainly they ought in
The conservatives, too, entered the contest for the deputiess' votes and briefly sketched the main outline of a constitution. The author of this draft simply modified the colonial establishment to fit an independent state. Governor, council, and assembly would have the same powers each possessed under British rule. Contrary to past practice the people would elect assemblymen annually by ballot, but only freeholders might vote. Members of the assembly could not serve in any other office. The assembly would select out of itself or from another source a council of twenty to hold office during good behavior. Council eligibility depended upon the ownership of lands worth £10,000. The plan required the assembly to meet at least once a year, but the governor could not adjourn, prorogue, or dissolve it without the council's advice. Carrying the principle of indirect election further, the draft prescribed the choice of the governor from the councilors for a three-year term by joint legislative ballot.76

Publication of this conservative plan of government provoked a direct rejoinder to it. This alternative would enfranchise all taxpayers and permit them to be candidates for any office. The government would consist of an assembly of one hundred, a council of twenty, a president, and council of general to be above the Temptations of Indigence. The Poor being the Majority ought not to refuse a Security to others against the Spoil of their Property. They lose Nothing by being obliged to elect Men of Substance attached to the Territory." *Ibid.*

76 This draft and the following one seem to be the products of the Suffolk County delegation, who divided sharply in their views. The conservative plan specified "Barons of Exchequer" among the judges to be created, but the other draft rejected any "Barons." Although neither outline bears a date, it is likely that they were written in 1776, probably between July and October. The production of a committee first draft in the latter month renders any later date unlikely. *Cal. Hist. Mss.*, II, 117-18.

Robert Yates, twelve years after the event, declared that some delegates circulated this draft "to try . . . the temper" of the members. It provoked a sharp off-the-floor debate, particularly over the suffrage qualifications. Yates affirmed that general agreement existed on the desirability of enfranchising the "middling" class, since rights and liberties were endangered by the two extremes, rich and poor. "Sydney," *N.Y.J.*, June 13, 1788; Ford, *Essays on the Constitution*, pp. 297-314.
Making Haste Slowly

safety. The first two bodies would constitute the legislature and the latter two the executive, which lacked any legislative authority. All voters would choose the legislature by ballot. Although the president and council of safety might convene the legislative houses on special occasions, the former could never dissolve the legislature. Otherwise, the legislators themselves would control their meetings. The people would elect the executive council yearly in the same fashion as the legislature, but the two houses would select the president annually by joint ballot out of the council of safety.\textsuperscript{77}

Although there is a broad gulf between the conservative and radical concepts of fundamental law, there are a few places where they coincide. These—ballot voting, annual assembly elections, elimination of placemen from the assembly—derive from their colonial experience. It is clear from the preceding information that the radicals among the Convention deputies not only had concrete proposals but also had evolved a coherent, general draft. However, the major strife, in which the radicals played a peripheral role, was not between radicals and conservatives but between moderates and conservatives.

Although few of the radical ideas won acceptance in committee, an examination of the generally analogous concepts in the drafts will clarify the extent of the radical influence. The chronological order of the four drafts is A, C, B and Jay's. Draft A, and probably C, stipulated semiannual meetings of the legislature, but B and Jay's lengthened the interval to one year.\textsuperscript{78} All versions adopted annual assembly elections, and A went so far as to authorize carving the counties into assembly districts. Since someone challenged this unorthodox step, the committee struck it out, adhering


\textsuperscript{78} Lincoln, Constitutional History of New York, I, 501; Jour. Prov. Cong., 1, 834. Since the first four articles are missing from draft C, their substance is guesswork. However, the content of the succeeding articles in most cases does not differ radically from draft A. Min. of Conv.
to the traditional county-at-large method. Although the committee elaborated a detailed procedure for the employment of written ballots which it retained through the first three revisions, Jay cut off everything after the opening paragraph, retaining only the principle. On the crucial issue of the electorate's nature, A and C set forth the payment of both state and county taxes as the prerequisite for assembly voting rights. The committee broadened the electoral base further in the last two revisions, extending the ballot to those who paid either state or county taxes. All four drafts confined candidacy to freeholders.

Unlike the radicals, the committee envisaged the senate as a check for the great landowners on the popular assembly. As first conceived in A and C, Article IX conferred the senatorial ballot on the £40 freeholders, but the conservatives narrowed this right in B and Jay's draft to the £100 freeholders. They opened the candidacy, however, to all freeholders. Unanimity prevailed in the drafts on the four-year

---

79 Lincoln, Constitutional History of New York, I, 505-6; Jour. Prov. Cong., I, 834, 842, 884. Since A and B were practically identical, it is unlikely that C differed essentially.

80 Lincoln, Constitutional History of New York, I, 507-12; Min. of Conv., pp. 11-17; see above, p. 226, n. 43, and p. 228, n. 50. Robert Yates advanced an interesting hypothesis for the popularity of the secret ballot. Its origins arose out of the political battles prior to 1775 when both De Lanceyites and Livingstons expected that eventually the British would convert the governor's council into an hereditary house of lords. Therefore, election victory became mandatory, if the anti-De Lancey faction were to share in the spoils. They despaired of winning because the practice of voice voting enabled the De Lanceyites to pressure their tenants to cast their votes for them. The secret ballot was thus envisaged as the key to success and the "outs" worked assiduously just prior to 1775 to win adherents to the idea of ballot reform. It was this opinion which forced the inclusion of the written ballot in the draft constitution. As to the reasons for its deletion on the floor of the Convention, Yates is disingenuous. He suggested that either the proviso was too lengthy or the elimination of the Tories as a political faction made it unnecessary. Of course, had there been no political differences among the Whigs, it might have been deemed superfluous, but as Yates, a member of the drafting committee, well knew, the differences were many. "Sydney," N.Y.J., June 13, 1788; Ford, Essays on the Constitution, pp. 297-314; Milton M. Klein, "Democracy and Politics in Colonial New York," New York History, XI (July, 1959), 231-232.

81 Lincoln, Constitutional History of New York, I, 505, 507, 514; Min. of Conv., p. 17; Jour. Prov. Cong., I, 836, 843, 867.
term of office, but on the matter of the number of seats there were disagreements that had their origins in dissimilar means of election. In its initial version, the committee grouped the counties into four roughly equal districts, each district having four senators. Dissatisfied with this solution, the members discarded it in favor of an indirect choice. Increasing the number of seats to twenty-four, the new provision directed the selection by county of electors who would chose the senators. Still not content with this device, the committee retraced its steps in the last two revisions to the principle of direct voting as in A but did not adopt the distribution of seats in the latter. Carrying over the additional eight members from C, the committee redistributed the twenty-four senators unequally among four districts. 83

The striking fact about the office of governor was its weakness, a conspicuous contrast with the colonial governors. All the drafts specifically confined legislative power to the senate and assembly, excluding the governor from any voice in legislation. The suffrage restrictions for senator in A and C, both as to voting and candidacy, became valid for the governorship. When the committee revised upward the property requirements for senator in the B and Jay drafts, it applied the new yardstick also to the chief magistrate. 84 The nominal parallel between governor and senator extended in all copies to the term of office, four years. Although A and C did not confer prorogation powers on the governor, the later revisions invested him with authority to prorogue the legislature not more than sixty days in one year. 85 As a further limitation on his executive power A and C estab-

82 Lincoln, *Constitutional History of New York*, I, 516; Min. of Conv., p. 18; *Jour. Prov. Cong.*, I, 843.
lished a council of state to assist the governor in the administration of the state. The council of state was to consist of five freeholders chosen for five-year terms by joint ballot of the legislature. When the committee revised C, they accepted the new organ but then struck it out.\textsuperscript{86} The earlier versions distributed the appointive power between the legislature and the governor and council. Although the governor could only nominate civil officers to the legislature, he could appoint military officers with the advice and consent of the council of state. With the deletion of the council of state from the B and Jay drafts, the governor held the sole exercise of military appointment.\textsuperscript{87} A major exception to the governor’s appointive authority was the state treasurer. Under the provisions of drafts A and C the assembly chose the treasurer by ballot. He remained in office “during their will and pleasure.” In the succeeding revision the committee modified this method so that the assembly nominated the treasurer and appointment was by act of the legislature.\textsuperscript{88}

In most of the draft revisions cited above the committee tended to place limitations on popular participation in the electoral process. A major exception was the ultimate defeat of the clause for the indirect election of state senators. Since the committee had boosted the voting qualification for senator from the £40 to the £100 freeholder, it did not see the need for further restrictions.

Although the committee in later drafts had revised key sections to check popular influence in the government, the Convention further modified some clauses. The deputies basically altered the provisions which related to the qualifications of the assembly electors and voting procedures. Under

\textsuperscript{86} Lincoln, \textit{Constitutional History of New York}, I, 525, 528; Min. of Conv., pp. 21-22.
the new requirements three classes of voters emerged. First, the voter must have possessed a freehold valued at £20 above and beyond all debts thereon. Or, second, he must have rented land whose annual value was at least 40s. Or, third, he must have been a freeman of Albany or have obtained freemanship in New York City on or before October 14, 1775. Having reduced the number of electors, the Convention went on to circumscribe the exercise of the suffrage. The first amendment on voting that the Convention approved dropped the secret ballot in favor of the colonial voice vote. But, reversing themselves, the deputies provided for a trial of the written ballot after the war. The experiment would govern legislative elections but the legislature, if it saw fit, might drop the secret ballot later by a two-thirds vote.89

When the Convention amended the paragraph which prescribed a broad suffrage for assembly elections, it did not act primarily to disenfranchise the poor farmer but to bar the New York City mechanics from the polls. Robert R. Livingston opened the piecemeal attack on the offensive prescription, moving the insertion of a land-renting qualification for nonfreeholders who could vote. Since most rural taxpayers were either freeholders or tenants at will, this change in requirements did not affect them. Since most mechanics were neither freeholders nor tenants at will, they could not qualify under the land-rental provision. The delegates saw that this was the underlying meaning of the amendment and only the New York City members and Leonard Gansevoort of Albany voted against it.90 Thus amended the paragraph stood for three weeks when Gouver-

89 However, the Convention provided for use of the secret ballot in the election of the governor. Lincoln, Constitutional History of New York, I, 512-15.

90 Even the Ulster moderates (Christopher Tappen, Matthew Rea, and Charles DeWitt) voted for the amendment. Other moderates (Matthew Adgate of Albany, Isaac Paris and Benjamin Newkirk of Tryon, Henry Schenk of Dutchess, and Henry Wisner, Sr., of Orange) also voted for the provision.
neur Morris renewed the attack. Morris moved to amend the unqualified freehold proviso to require that the freehold be of £20 value. Although this restriction sacrificed the very small freeholder, the sole rural delegation to vote nay was that of Ulster. The New York City members voted against the Morris amendment; in this instance at least, conservatives John Jay, James Duane, and Philip Livingston were opposed to a restriction of the suffrage. The moderates in the other counties joined with conservatives to adopt the proposal.91 There were occasions such as this one when it was difficult to distinguish a moderate from a conservative.

The Convention did not deem it necessary to restrict further either senatorial or gubernatorial suffrage, but it did modify some of the provisions which set forth the governor’s powers. It shortened the governor’s term from four years to three. On the other hand, the more conservative members pushed through amendments that strengthened the governor’s powers. Whereas the Jay draft had practically excluded the governor from the appointment power, the Convention relented and created a council of appointment which consisted of the governor and four senators, but in which the governor could only cast a tie-breaking vote. The governor might fill positions “with the advice and consent” of the council. In a second major respect, the Convention reversed its committee and granted the governor a voice in legislation. It did not clothe him with an absolute veto but established a council of revision which consisted of the governor, the chancellor, and judges of the supreme court. The governor had a full vote in this body, which decided on a veto by majority vote. The legislature might override the council’s veto by a two-thirds vote of those present.92 These changes

obviously represented a compromise between the group who desired a strong legislature and a weak governor and those who desired a strong executive. 93

The Constitution of 1777 was a compromise but was weighted on the conservative side even though the defenders of the status quo did not attain some goals. Since some conservatives opposed direct election of the governor, acceptance of that official's popular election represented a concession by them. Also, there were conservatives who argued for life


The Convention had amended the governor's powers in March and had given him an absolute veto. Smith of Orange introduced the matter in the form of a declarative statement that there should be three branches of the legislature instead of two and that the governor shall have a "negative upon all laws." After debating the amendment, the Convention heard Duane move the previous question, i.e., whether the house should now vote on the motion. Since the house decided not to vote on the question, this in effect killed the motion. Gouverneur Morris took the floor to reintroduce Smith's amendment in altered form. The form of Morris's proposition suggests what had been the source of disagreement in the preceding debate. He added a proviso "that the governor shall have no power to originate or amend any law, but simply to give his assent or dissent thereto." Even with this modification, some of the conservatives were uneasy and secured a postponement until the next day. March 14 the Convention accepted Morris's amendment by a vote which demonstrated an almost absolute conservative-moderate division. Those in favor of the motion were Gilbert, James and Robert R. Livingston, and Zephaniah Platt of Dutchess; Abraham Ten Broeck, Gansevoort, and John Tayler of Albany; Duane, Peter Pra Van Zandt, Philip Livingston, Anthony Rutgers, W. Denning, D. Dunscomb, and A. P. Lott of New York. Gansevoort and Lott usually voted with the moderates. Those opposed to the motion were Henry Schenk of Dutchess; Adgate of Albany; Tappen, Rea, DeWitt, and Arthur Parks of Ulster; Isaac Paris, Volkert Veeder, and Benjamin Newkirk of Tryon. Two counties were evenly split: Westchester and Orange. In Westchester the conservatives were Morris, Pierre Van Cortlandt, and Lewis Graham; the moderates were Joseph Drake, Zebediah Mills, and Zephaniah Lockwood. In Orange the conservatives were Smith and Isaac Sherwood; the moderates were Wisner and William Allison. Since these counties divided, they could not cast a vote on the motion.

It is apparent that some among the conservatives were not content to permit the governor to have an absolute veto because Jay, Morris, and R. R. Livingston, after having discussed the subject in April, moved to reconsider this paragraph. Their substitute was the council of revision. Ibid., I, 834, 836, 843, 857, 860, 862; George Dangerfield, Chancellor Robert R. Livingston of New York, 1746-1813 (New York, 1960), p. 90.

terms in the upper house and a £10,000 qualification for candidacy. Furthermore, the conservative Suffolk plan carried over the royal governor's absolute veto power. The moderates, on the other hand, gave up substantial ground when they dropped the almost universal male suffrage proviso for the assembly and agreed to raise the £40 freehold requirement for senatorial and gubernatorial balloting. Although they excluded the governor from participation in legislation at first, they relented and allowed the chief magistrate to share the veto with the chancellor and judges of the supreme court. Similarly, the moderates proposed that the governor exercise his executive power jointly with a council of state, but they permitted amendments which abolished the council. In the reported draft the governor and council of state held the appointive power with the legislature but the moderates accepted as a substitute a council of appointment which consisted of four senators and the governor. Finally, the moderates surrendered the secret ballot until the war's end.

If the conservatives were a minority, why were they so successful? One writer stresses the persuasive powers of the aristocracy and the magical aura of their past leadership.\(^{94}\) The Convention votes on the suffrage question suggest rather political fluidity and an absence of sharp antagonism between conservatives and moderates. Moreover, the roster of Convention members tends to belie the thesis of a radical majority but instead lends itself to the supposition of a narrow moderate plurality.\(^{95}\) Since voting was by county unit, totals of conservatives and moderates have little mean-

---

\(^{94}\) Dangerfield, *Chancellor Robert R. Livingston*, pp. 92-93.

\(^{95}\) See the list in Lincoln, *Constitutional History of New York*, I, 484-86. Estimates of political views are necessarily moot, since precise data are unavailable. In this case the generalization derives from what is known of the political careers of individuals, 1774-1778, and supposition. The journals of the several committees and congresses are helpful for the host of lesser figures, although there are some twenty-five of the 107 men about whom there is no information.
What did matter was a majority within the county delegation to control its unit vote. A major obstacle to comprehension of this facet of the problem is the way in which the Convention recorded its ballots. If the members desired, the secretary noted their dissents to their counties' votes. Otherwise, the entire county vote appeared in one column and it is difficult to identify positively majority and minority.

Examination of the recorded votes which the deputies cast on important political issues provides data for drawing tentative conclusions relative to the strength of each group. A crude tally of moderate and conservative votes suggests

96 The Third Provincial Congress formulated the distribution of county votes which the Convention retained for itself. Voting strength was Albany 6, Charlotte 2, Cumberland 2, Dutchess 5, Gloucester 1, Kings 2, New York 8, Orange 3, Queens 4, Richmond 2, Suffolk 4, Tryon 3, Ulster 4, Westchester 4 which totaled 50. However, Richmond did not elect deputies, and during the debates in 1777 Queens, Kings, Cumberland, Gloucester, Suffolk had no quorums most of the time and could not vote. Suffolk managed to maintain a quorum for the last week of the debate. The effective maximum vote in the Convention, therefore, was 35. Jour. Prov. Cong., I, 834-98.

97 There were eight occasions which lent themselves to usage as political criteria. Three of these instances occurred on March 14 and included a motion to give the governor an absolute veto, a motion to delete the provisions for voting by written ballot, a motion to narrow the suffrage base by requiring non-freeholders to be renters of land. A vote for these motions rated as conservative; a vote against them ranked as moderate. The fourth indicator which took place April 2 was a motion to strike out the governor's veto and substitute the Council of Revision. Categorization of the votes on this matter was complicated because some moderates probably voted for the Council as a lesser evil than the absolute veto. Yet some moderates rejected the Council because they desired a return to the original draft in which there was no veto whatsoever. Nevertheless, the tabulation rated a vote for the Council as conservative. Although he was a conservative, Jay moved April 5 to reinsert ballot-voting. The computation placed aye votes in the moderate column and nay votes in the conservative camp. Voting qualifications supplied the sixth and seventh criteria on April 6 when Gouverneur Morris proposed to restrict freehold suffrage to £20 holders and Philip Livingston advocated reduction of residence requirements to six months. An aye voted for a £20 qualification put it on the conservative side whereas a nay vote went to the moderate group. A vote for the Livingston motion was characterized as moderate and its opposite was conservative. The last event was the Abraham Yates motion of April 20 to make the written ballot permanent which the Convention technically did not decide because it voted on the previous question rather than the motion. A deputy's vote for the previous question was a vote to kill the Yates proposal and therefore it belonged in the conservative tally; a vote against the previous question was a score for the moderate position. Ibid., I, 835-92.
that the New York, Tryon and Ulster delegations cast more moderate than conservative ballots, that Albany, Dutchess, Westchester and Orange voted conservative more frequently than moderate.\textsuperscript{98} In terms of unit votes the moderates could have mustered only 14 to 18 of the opposition. Of course, this is hypothetical but it supports an hypothesis either of minority status for the moderates and radicals or a propensity of the moderates to accept conservative proposals.

Two other affairs which took place on the same day, August 1, 1776, appear to corroborate this formulation. One was the dispute over the nomination of John Morin Scott to the constitutional drafting committee and the other was the selection of the additional members of the committee. Gouverneur Morris opposed Scott’s nomination because he had previously challenged the General’s possession of a seat in the Convention.\textsuperscript{99} Scott’s supporters called for a division which sustained his right to serve on the constitutional committee. It was the votes of the New York, Tryon, Ulster and Albany delegations which gave Scott his victory.\textsuperscript{100} With the exception of Albany these were the counties which voted moderate most often.\textsuperscript{101}

The second matter, the personnel of the committee, presents a more complex problem. The thirteen men whom the Convention selected represented a cross-section of political opinion. There were six conservatives, five moderates,
one radical, and one of indeterminate views.\textsuperscript{102} Since the striking aspect of this distribution is its near-balance of conservatives and moderates, it is tempting to attribute these proportions to a similar allocation in the Convention. Unfortunately, the \textit{Journal} did not record any formal divisions over the nominations; indeed, all those nominated were put on the committee.\textsuperscript{103} Since there was no ascertainable vote, it is possible that each county chose its nominees in accordance with a pre-determined quota. The successful candidates were fairly consistent reflections of the political coloration of their delegations.\textsuperscript{104} Moderate influence in the committee was the prime element in the writing of a draft constitution which was less conservative than the amended version of April, 1777.

Since the foregoing discussion implies the importance of the delegates' constant attendance in the Convention, and since attendance during March and April, 1777 averaged only 35 percent of the entire membership, an inquiry in this area has special relevance.\textsuperscript{105} A tenable contention might hold that if all or most of the deputies had participated in the voting, the moderates might have prevailed and have

\textsuperscript{102} The conservatives were Robert R. Livingston, Gouverneur Morris, William Duer, John Sloss Hobart, John Jay and Samuel Townsend. However, the last named fell into this group on the basis of his opposition to the nomination of Scott. Townsend was not in the Convention after August, 1776. The moderates were John M. Scott, Abraham Yates, Jr., Robert Yates, Henry Wisner, Sr., and Charles DeWitt. The radical, an associate of Isaac Sears, was John Broome. Broome was not present in Convention in March and April, 1777. Although William Smith of Suffolk was in constant attendance, his county had quorums only on August 1 and April 20. On the former occasion Suffolk voted against Scott and on the latter supported Yates' moderate proposition for permanent use of the written ballot. \textit{Ibid.}

\textsuperscript{103} The deputies represented the major counties with the exception of Tryon. The exclusion of Tryon and the inclusion of Charlotte, a newer county, were possibly the consequence of an unrecorded, general agreement on the size and character of the committee. \textit{Ibid.}, I, 552.

\textsuperscript{104} The exception was New York which chose a conservative, moderate and a radical. Perhaps this was the intent, since the deputies present reflected the three broad-gauge views. Dunscomb and Rutgers were conservatives; Beekman and Lott were moderates; Brasher and Harpur had radical proclivities. \textit{Ibid.}, I, 552, 834-98.

\textsuperscript{105} \textit{Ibid.}, I, 834-98.
given the people a more democratic constitution. However, analysis of the county representation points toward an opposite conclusion. If all the men on the Albany, Dutchess, Orange, Westchester, Cumberland, Gloucester and Charlotte delegations had fulfilled their obligations as legislators, these counties would probably have had conservative majorities with a total of 23 unit votes. Two counties, Ulster and Tryon, would have fallen into moderate hands with 6 unit votes. New York with 8 votes might have gone in either direction. Suffolk might have divided evenly and so lost its 4 votes. It is not stretching the imagination to put Queens and its 4 votes among the conservatives even though these representatives' views are not clear. This tabulation ignored Kings and Richmond because neither county sent any members to the Convention. The preceding estimate roughly corroborates the calculation of moderate and conservative votes within county blocs.

Although these considerations place the conservative character of the constitution in better perspective, they do not suffice to account for the course of the floor debates. Nevertheless, the evidence makes more meaningful the Jay and Robert R. Livingston comments relative to the uncertainties of the situation and to the employment of Fabian tactics prior to the committee's report in March, 1777. When the voting behavior of the moderates comes under scrutiny, the failure of these men to adhere rigorously to basic positions suggests the emergence of a moderate-conservative consensus. There are other factors as well. Nowhere is there any hint of effective organization among the moderates and

---

106 An evenly divided delegation could not cast its county's votes.
107 It is assumed that in some delegations a majority might have resulted from an alliance of moderates and radicals.
108 Although the interpretation in the preceding paragraphs makes no claim to precision, it derives from a distillation of the deputies' votes in the several committees and congresses and of their political activities from 1773-1777.
109 See above, nn. 1 and 58.
radicals which might have enabled them to defeat the conservatives. Moreover, a comparison of leadership redounds to the advantage of the conservatives. The moderates and radicals did not have, with the exception of John Morin Scott, men of prestige and ability to compare with Jay, Robert R. Livingston and Gouverneur Morris.110 Possessed of these solid benefits, the conservatives, seasoned wielders of power that they were, triumphed over a less able opposition.

110 The fact that this trio differed among themselves over primary clauses, such as balloting and the governor's veto, might have offered an exploitable weakness to an aggressive, keen opposition. The Journal does not reveal any moderate efforts to profit from conservative differences.
EIGHT

Reconsiderations

Even though one cannot analyze statistically the Whig and Tory strength, the direction of events from 1774 to 1776 provides us with a crude index to the division of the people. After Lexington and Concord the New York Tories were unable to turn back or contain the upsurge of Whig opposition. The Tory failure was significant in two respects, as a commentary on the government’s weakness and as an indication of inadequate popular support for the Tories in the rural districts. Theoretically, the government possessed two advantages, power and prestige, but it was not able to maximize either one because in reality it had little of either. Tory paralysis in the countryside can be attributed neither to a deficiency of leaders, since there were numbers of Tory gentry, nor to an absence of will. Indeed the one county in which the Tories were at first successful became eventually the symbol of their defeat. The Johnsons organized their tenantry to defend the crown but they could not rally the rest of Tryon County behind them. Throughout the province the unwillingness of the people to rebuff the Whigs manifested itself in the last elections for the General Assembly in January, 1776, when the electorate returned a Whig majority. The political trends of 1775-1776 suggest the desirability of a reexamination of the Tory question. Perhaps some of the research
techniques in quantification could be fruitfully applied here. Unquestionably, the timid leadership of the Whigs needlessly handicapped the entire revolutionary movement. The vacillation of the leaders induced confusion, if not disgust, among the people and this in turn dampened the militancy of the population. A converse effect of the wavering policy was the temporary encouragement of the Tories in their covert and open resistance to Whig measures. Another difficulty which timidity compounded was the appearance of competition for leadership and position within the Whig group. The experience of Cumberland, Charlotte, and Dutchess suggests that this factor may have existed in other counties.1 The Whigs' lack of vigor was in no way a consequence of their being in a minority position; in fact, they were a majority. If they were a conspiratorial minority, they could not have constructed a durable revolutionary organization. It was precisely because the Whigs mustered a majority that they were able to carry the colony down the road to independence and statehood.

There was one sphere, polemical writing, in which the reluctant leadership was unable to quell the ardor of the militants. The newspapers played a vanguard role in presenting to their readers a stream of pleas for independence.2 The significant factor was the writers' abandonment in late April, 1776 of opposition to separation from Britain. Since none of the moderates found it desirable or expedient to rebut the arguments for breaking the ties, they may have wished to avoid exacerbating public sentiment because that opinion was far in advance of the moderate leadership.

An implicit but nonetheless real theme of the revolution-


2 For the continental situation, see Arthur M. Schlesinger, Sr., Prelude to Independence: The Newspaper War on Britain, 1774-1776 (New York, 1958), chap. xii.
ary years was class strife. This conflict was spasmodic and disorganized and did not produce a program or sense of class solidarity, nor did it clearly draw lines between classes. Furthermore, it occurred on multiple planes, embracing tenants at will and landlords on one level and mechanics and merchants on another. These were examples of a simple antagonism but there were others that involved complicated class coalitions. Thus, in May, 1776, the Committee of Mechanics warned the Provincial Congress against adopting a new form of government without submitting it to the people for ratification. The house, drawn from the large and middle landholders and commercial middle classes, buried the Mechanics' memorial. The constitution-drafting process in 1776-1777 reflected still another facet of class conflict. It is apparent that the reform group of middle-class farmers sought to broaden the base of popular participation in government but were defeated by a combination of the elite and middle freeholders. Since the lesser-propertied classes neither controlled the revolutionary movement nor were able fundamentally to alter social relations, many historians have denied that class struggle was a factor in the Revolution.

The Revolution in New York was not primarily a question of which class would control the state. For the Whig leadership of landed magnates, merchants, lawyers, and middle-class freeholders, it was a war of liberation. Although the necessity of maintaining a united front against

---


The attempts of mechanics to influence nominations to committees was one manifestation of this spirit. See above, pp. 149-50.

4 See above, pp. 155-59.

5 See above, chap. vii.

6 See Morris, William and Mary Quarterly, 3rd ser., XIX, 3-29.
Britain was a powerful centripetal force among the leaders, the coalition evinced signs of strain when it confronted such major questions as independence and the constitution. By and large the prewar elite were preponderant in the revolutionary organs, but the very nature of the conflict with the parent nation opened the door to power to the middle-class farmers, who were learning political self-reliance and independence.
APPENDIX

The following examples of inaccurate or uncritical use of materials by Flick in his Loyalism in New York During the American Revolution suggest that a new look at the New York loyalist problem might produce interesting material.

One of Flick's sources, loyalist historian Thomas Jones, wrote that the British formed a New York City militia organization in 1779 of 6,000 men. All of these males, he said, were inhabitants of the city prior to the British occupation. A little arithmetic will demonstrate the unreliability of the latter statement. If 6,000 men between the ages of sixteen and fifty lived in the city, the city's population would be ca. 30,000 but this is a much larger number than any contemporary estimate. Moreover, this calculation excludes the Whigs, who, if added to the 30,000, would have made a total population greater than any city in America. Since thousands, a majority, did not return after the American defeat in 1776, the 6,000 militia could not be original inhabitants. Sir Henry Clinton explained that many of the militia were "persons attached to the different army and navy departments consisting of sailors, watermen and others."

According to Flick, "a large part of the 6,000 seamen in the metropolis were loyalists." The figure derives from one of Tryon's letters, but the Governor noted that they were not all Yorkers. He stated that 6,000 men, partly from New York, composed of landsmen and seamen, partly drawn to the colony from the several provinces, had filled the crews of the royal ships.

In July, 1776, Tryon allegedly began to enlist 1,300 men on Long Island and Staten Island. The source of this fact is the unsupported statement of an inhabitant who did not reveal how he acquired this information. Moreover, the informant in no way indicated how many actually enlisted. Howe remarked to Germain that the Governor participated in the Battle of Long
Appendix

Island in August with two companies of New York loyalists. The maximum strength of the company was 57.  

When Governor Tryon raided Danbury, Connecticut, in 1777, his force supposedly comprised 2,000 Long Islanders. Jones, Flick's source, simply stated that the raiders numbered 2,000 without identifying them. As it happened, all units were regular British army corps; no loyalists participated.  

Although Flick quotes in part a Tryon County Committee letter to show that half the county was Tory, the implication is not accurate. The Tryon committee declared that half the people would not bear arms to defend the county against a British invasion because the state had neglected to send troops to aid them. Believing themselves abandoned by the state to the enemy, half the people were unwilling to sacrifice themselves, their families, and their property in vain and so would surrender. This can hardly be termed Toryism. In fact, when St. Leger did invade the county in 1777, between 700 and 1,000 men sprang to arms and their determined resistance at Oriskany and Fort Schuyler blocked a union with Burgoyne.  

In 1779 William Axtell obtained a commission to recruit 500 loyalists, but this did not prove he did so. Jones, Flick's source, notes that Axtell raised only 30 men, but drew pay and provisions for the 500.  

---

4 Flick, Loyalism, p. 105; Jones, History of New York During the Revolutionary War, I, 177-78: Howe, Schedule of Correspondence, p. 391; Serle to Dartmouth, May 1, 1777, Benjamin F. Stevens, ed., Facsimiles of Manuscripts in European Archives Relating to America, 1773-1783 (25 vols.; London, 1889-1898), XXIV, No. 2059.  
5 Flick, Loyalism, p. 110; Tryon Committee letter in Jones, History of New York During the Revolutionary War, I, 700-701.
Since Long Island, excluding Suffolk, was a Tory stronghold, there are numerous references in Flick to the enlistment of loyalists from the area. When added up, the result is curious. Omitting all numbers which do not give a specific county of origin, the total for Kings and Queens is 3,600. The 1771 census credited the two counties with 11,205, or ca. 7 percent of the colony's total. If we allow for a 1776 population of 208,000, the two counties with 7 percent would have 14,560. The age group between sixteen and sixty would number perhaps 3,640 men. We are led to believe, therefore, that the British recruited almost every male in this age bracket into their active units, leaving no militia. Difficult as this may be to accept, it becomes impossible when we consider that Flick also states that one-fifth of the Queens militia was Whig. And what about the Kings militia? Small as it was, there was more Whig sentiment in the latter county than in Queens. General Sir Henry Clinton doubted the loyalty of "a great part" of the Kings inhabitants.  

Another example of New York's loyalism was the De Lancey brigade, which was to have 1,500 men from Kings and Queens. Jones was careful to say only that De Lancey held a commission to raise 1,500. The difference was important, since Howe cited the brigade's strength at 693 in November, 1777, and 707 in May, 1778. The unit records show that ca. 1,095 officers and men served in the brigade, but not all of them were New Yorkers.  

In a vein similar to his comment on Tryon County, Flick tagged Lewis Morris's militia regiment as overwhelmingly loyalist, as having only a "colonel's command" of Whigs in it. This is a misconstruction of what Morris wrote to the New York Convention. After the American defeat in Manhattan, Morris

---

6 Flick, Loyalism, p. 112; Jones, History of New York During the Revolutionary War, I, 304-5.  
7 Flick, Loyalism, pp. 95-112; Clinton, The American Rebellion, p. 69.  
Appendix

stated that “not more than a Colonel’s command was left” in his Westchester regiment. But this letter was part of a sorry affair which has to be seen in its entirety in order to evaluate Morris’s judgment of his regiment. The Convention had called upon Morris to explain his desertion of his command and flight to Philadelphia. As justification he alleged the unit’s decimation and the disaffection of many of the survivors. The Convention rejected his defense; indeed Morris had refuted himself in his correspondence. When the Convention ordered his regiment on active service in August, Morris informed Abraham Yates, Jr. that the men reported with “cheerfulness,” a most un-Torylike characteristic in this connection. In other areas Tories refused to serve when called up for duty. In a private exchange R. R. Livingston and Edward Rutledge bluntly attributed Morris’s action to fear, not to loyalists. Morris’s assessment of political loyalties then is highly suspect, since it directly involved his own reputation. 

Referring to one of Governor Tryon’s letters, Flick comments that Tyron believed the whole province would take up arms for the crown if the British drove out the rebel army. The letter itself does not bear out this interpretation. The Governor described a sortie with 1,000 men into Suffolk in the course of which the people dutifully dissolved their committees and repudiated the resolves of the congresses. He then went on to declare that he thought the whole province would do likewise when the British would destroy the rebel army. Be it noted that both Howe and rebel John Sloss Hobart attributed the submission to compulsion. We may leave this aside, however. For a defenseless people to dissolve revolutionary committees under the menace of 20,000 to 30,000 guns of an army of occupation is not to be equated with voluntarily shouldering arms to defend the King and Parliament.


10 Flick, Loyalism, p. 100; Tryon to Germain, November 28, 1776, O’Callaghan, Documents, Colonial, New York, VIII, 692; Hobart to Convention, October 7, 1776, Jour. Prov. Cong., I, 671; Howe, Narrative, p. 44.
A Note on Sources

Studies of revolutionary politics would be impossible without the great manuscript collections in the depositories of New York City and of course the indispensable lode-star to these is Evarts B. Green and Richard B. Morris, eds., *A Guide to the Principal Sources for Early American History (1600-1800) in the City of New York* (New York, 2nd ed., 1953). Among the riches of the New-York Historical Society the Robert R. Livingston Collection has much to offer those investigating political and economic history. There is also important correspondence in the Alexander McDougall Papers and James Duane Papers. Less useful for this study were the Livingston Family Papers, the John Lamb Papers and the William Duer Papers, although the Duer manuscripts contain significant economic data. Scattered items came from the John McKesson Papers and New York State Treasurer’s Accounts, 1775-1778.

Columbia University Library’s Special Collections have two pertinent, major groups, the Gouverneur Morris Papers and the John Jay Papers. For these years, the sources of many of the quotations which, sometimes in altered form, appear in Jared Sparks, *The Life of Gouverneur Morris with Selections from His Correspondence and Miscellaneous Papers* (3 vols.; Boston, 1832) may be found in the Morris Papers. Although many of Jay’s letters are in Henry P. Johnston, ed., *The Correspondence and Public Papers of John Jay* (4 vols.; New York, 1890-1893), the manuscript collection supplements the printed works and has many illuminating letters to Jay.

The third major depository, the New York Public Library, has several groups of vital papers for this area of study. The Samuel Adams Papers and the Adams correspondence in the Bancroft Transcripts have exchanges between New Yorkers and Adams in addition to descriptions of New York affairs. The
Philip Schuyler Papers are a labyrinth, but the rewards are well-worth the necessary investment of time. Among the William Smith Papers the most important manuscripts are Smith's Historical Memoirs which are conveniently printed in William H. W. Sabine, ed., *Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith* (2 vols.; New York, 1956, 1958). There are very informative letters to and from Robert R. Livingston in the Bancroft Transcripts, a number of which are excerpted in the American Art Association Catalogue, *Revolutionary Letters of Importance: The Unpublished Correspondence of Robert R. Livingston* (New York, 1918). Three other Livingston groups, the Gilbert Livingston Papers, Livingston Family Papers and Philip Livingston Letters, have useful items. Although the correspondence in the Abraham Yates, Jr. Papers is disappointing, these papers contain a very rare draft of the Constitution of 1777. The huge loyalist collection, Transcript of the Manuscript Books and Papers of the Commission of Enquiry into the Losses and Services of the American Loyalists Held Under Acts of Parliament of 23, 25, 26, 28, 29 of George III Preserved amongst the Audit Office Records in the Public Record Office of England, 1783-1790, is one of the sources for details about various Tories.

Two other libraries, the New York State Library and the Franklin D. Roosevelt Library, hold collections which provide relevant data. The Andrew Elliot Papers in Albany have a valuable account of the turbulent early months of 1775. The Legislative Papers and Dutchess County petitions in the Miscellaneous Manuscripts furnished isolated details. The Livingston Redmond Papers at Hyde Park were most valuable for events in the summer of 1776.

One of the fortunate consequences of conflict among the political factions was the production of broadsides which often clarify otherwise obscure events. Both the New-York Historical Society and the New York Public Library have extensive holdings of these flyers.

Colonial newspapers are major repositories of political opinion, contributing clues to trends of thought. All of the New York newspapers have essential data but recourse must be had
A Note on Sources


A Note on Sources


A Note on Sources


In addition to the sources already cited there is abundant data on several aspects of the Tory problem in Minutes of the Committee and of the First Commission for Detecting and Defeating Conspiracies in the State of New York, 1776-1778 (3 vols.; New-York Historical Society Collections, 1924-1926); John Burgoyne, A State of the Expedition from Canada as Laid Before the House of Commons (London, 1780); M. K. Couzens, Index of Grantees of Lands Sold by the Commissioners of Forfeitures of the Southern District of the State of New York Situate in The Manor of Philipsburg, Westchester County, New York (Yonkers, 1880); Albert G. Greene, Recollections of the Jersey Prison-Ship (Morrisania, 1865); Sir William Howe, Narrative of Lieutenant-General Sir William Howe in a Committee of the House of Commons on 29 April, 1779 Relative to His Conduct During His Late Command of the King’s Troops in North America: To Which Are Added, Some Observations Upon a
A Note on Sources


The investigator of revolutionary New York owes much to his predecessors who have made his task lighter by their labors. The one work which holds a unique place in this field because it is a brilliant piece of research is Carl L. Becker, The History of Political Parties in the Province of New York, 1760-1776 (Madison, 1909). Studies which supplement Becker are Oscar T. Barck, Jr., New York City During the War for Independence (New York, 1931); Alexander C. Flick, The American Revolution in New York (Albany, 1926); Staughton Lynd, Anti-Federalism in Dutchess County New York: A Study of Democracy and Class Conflict in the Revolutionary Era (Chicago, 1962); Richard B. Morris, ed., The Era of the American Revolution (New York, 1939); Arthur M. Schlesinger, Sr., The Colonial Merchants and the American Revolution, 1763-1776 (New York, 1939); Arthur M. Schlesinger, Sr., Prelude to Independence: The Newspaper War on Britain, 1764-1776 (New York, 1958); Thomas J. Wertenbaker, Father Knickerbocker Rebels: New York City During the Revolution (New York, 1948); Chilton Williamson, American Suffrage from Property to Democracy, 1760-1860 (Princeton, 1960); Carl Bridenbaugh, Cities in Revolt: Urban Life in America, 1743-1776 (New York, 1955).

Basic examinations of the Tory problem are Alexander C. Flick, Loyalism in New York During the American Revolution (New York, 1901); Claude H. Van Tyne, The Loyalists in the American
A Note on Sources


INDEX

Abeel, Garret, 74n25
Activists. See Radicals
Adams, John, 104, 177; accuses New York of lagging, 174
Adams, Samuel, 31, 51, 104, 112
Adgate, Matthew, 243n92, 246n101; moves to instruct constitutional committee on bill of rights, 214
Albany, N.Y., 98
Albany County: formation of committee of inspection, 42; districts vote for independence, 172; voting power in Provincial Congress, 180, 182; delegates vote against paper currency, 194; Convention delega
tion voting behavior on constitution, 246 and n
Albany County Committee of Correspondence, 89; delays seizure of Tory arms, 145; uneasiness over delay in drafting constitution, 220
Allison, William, 243n92
Alner, James, 148n51, 149 and n
Alsop, John, 26n64, 31, 39n99, 13ln78, 148, 166n95, 169, 199; suggests new pacificatory measures be sent to Continental Congress, 120-21
Alva, Duke of, 138
Anthony, John, 38n97, 39n99
Anthony, Theophilus, 39n98, 72n21
Apthorpe, Charles, 8n11
Apthorpe family, 48
Ashfield, Vincent P., 112
Asia: cannonade by, 103
Aspinwall, John, 27n67
Auchmuty, Rev. Samuel, 68
Austin, Thomas, 64n6
Avery, Alpheus, 64n6
Axtell, William, 8n11, 78n37, 255
Ayscough, Captain: divulges Tryon’s shift on tea ship, 18
Bache, Theophilact, 39n99
Bancker, Evet, 72n21, 148n51, 149n
Bancker, Gerard, 196
Bassett, Francis, 38n97, 39n99
Bates, John, 64n6
Bayard, William, 39n99
Bayley, Jacob, 116
Bedlow, William, 74n25
Beekman, David, 72n21
Beekman, George, 39n99
Beekman, James, 127, 148n51, 149n
Bennet, Isaac, 64n6
Bennett, John, 64n6
Benson, Egbert, 203
Benson, Robert, 72n21
Berrien, John, 39n99
Beyea, James, 64n6
Bicker, Victor, 39n98, 72n21
Billop, Christopher, 131n78
Blackwell, Jacob, 131n78
Blagge, Benjamin, 48
Blagge, John, 48
Bleecker, John J., 122 and n
Bogart, Nicholas, 74n25
Booth, Benjamin, 39n99; resigns as tea agent, 12
Boston, Mass., 9, 10, 13 and n, 15, 24, 30, 51; opposition to landing tea in, 12; news of Tea Party in, 17
Bowne, George, 39n99
Boycott. See Continental Association: Nonimportation
Brantigan, Frederick, 64n6
Brasher, Abraham, 39n98, 72n21, 124, 148n51, 149n
Brinckerhoff, Abraham, 72n21
Brinckerhoff, Dirck, 131n78
Brookhaven, N.Y., 198
Broome, John, 12n, 15n30, 72n21, 148n51, 149 and n, 150, 153, 217, 225, 247n102
Broome, Samuel, 12n, 59
Brown, John, 64n6
Brown, William, 64n6
Buchanan, Walter, 65-66
Bull, Joseph, 39n99
Bulyea, Abraham, 64n6
Bulyca, Henry, 64n6
Bulyea, John, 64n6
Burgoyne, Gen. John: recruitment of loyalists, 97-98
Burling, Lancaster, 39n99
Butler family: encourages loyalist declaration in Tryon County, 85
Byvanck, Peter, 72n21

Canadian expedition, 184
"Candidus": assails British colonial system, 161
Carleton, Sir Guy, 202
Case, John, 56
Chambers, Capt. James: destruction of tea cargo of, 19-22
Champlain, Lake, 202
Chandler, Rev. Thomas B.: recipient of royal annuity, 53
Charleston, S.C.: action on tea, 17
Charlotte County, 115; election for Second Congress, 116; voting power in Third Congress, 182
Charlotte precinct (Dutchess County): vote for provincial convention in, 86, 87
Church party: description of, 6-7. See also De Lancey faction
Clarkson, David, 72n21
Class antagonism, 23n53, 29n71, 150; tenant vs. landlord, 103, 173n117; Mechanics' petition as manifestation of, 163-64; as factor in demand for political reform, 173n117; "licentiousness" of people as form of, 174; as implicit theme of revolution, 251-52
Clinton, George, 131n78, 217n, 218n 15; describes militia response, 98-99; said to oppose independence, 166n95; sends information to committee to obstruct Hudson, 219; postponement of constitutional report advocated by adherents of, 222
Clinton, Sir Henry: loyalist troop returns of, 94; panic induced by arrival of, 101; comment on militia in New York city, 254
Clopper, Cornelius, 72n21
Clopper, Peter, 74n25, n26
Clossy, Samuel, 64n6
Coercive Acts: effects of, 24-29; measures to counter, 31-35
Colden, Cadwallader, 8 and n11, 77, 90, 124-25; acting governor during Tea Party, 20 and n45; approves land patents in Vermont, 48; uses land as reward for political loyalty, 49-50; accused of being royal pensioner, 52; declines to recall assembly, 62-63; convenes council to consider James affair, 66; accused of asking ministry for troops, 74; describes collapse of government's authority, 76; boldness of, 80-81; meeting with council on Dartmouth's instructions, 81; asks for substantial numbers of troops, 83
Colden family: directs disarming of Queens Whigs, 108
Colonial system: assailed by "Candidus," 161
Commissary: functions and authority of, 187; responsibilities exceed abilities, 188; appointment of additional, 188-89
Conciliation: proposals for in Provincial Congress, 118-29
Connecticut, 146, 206; source of loyalist recruits, 95; place of imprisonment for Tories, 197
Conscience, freedom of: newspaper discussion of, 233
Conservatives: definition of, viii-ix, 71 and n20, 231; social base of, 2; representation on Committee of One Hundred, 72-73; growing divergence of views from moderates, 140-41; oppose idea of constitution, 148; ticket in election for Third Congress, 148-50; factors in reluctance to accept independence, 172-77; conception of constitution, 235; concessions in constitution to moderates, 243-44; voting behavior on issue of governor's powers, 243n92; explanation of success in shaping constitution, 244-48 and nn, 249; emergence of moderate-conservative consensus, 248. See also Moderates; Radicals
Constitution: New Yorkers debate idea of, 146-48; idea of taken up by Provincial Congress, 150-55; Mechanics raise question of ratification procedure for, 155-59; bill of rights, 214, 229; factors in delay in drafting, 219, 223n31, 230-31; uneasiness at delay in drafting, 220, 223; preliminary draft of, 221; committee debates on election of governor and senators, 221; identification of drafts of, 224-29; attendance at constitutional committee meetings, 225; public conceptions of, 232-33; comparison of newspaper conceptions with com-
Constitution (continued):

mittee drafts of, 234; Convention members' conceptions of, 234-37; comparison of committee drafts of, 237-40; voting qualifications for assembly in, 241; method of balloting in, 241 and n; conservative success in shaping, 244-48 and nn. See also Convention of Representatives

Constitutional monarchy: Whig claims to be defenders of, 137-38; argument that George III had deposed himself, 138

Continental Army: influence of presence in New York, 181

Continental Association: terms of, 36; Tory opposition to, 85

Continental Congress, 103, 110, 119, 123, 127, 171, 178, 180, 182, 184, 191; first session, 35-36; legislature refuses to choose delegates to, 43; Whig maneuvers to choose delegates to, 43-44; sends committee to New York to supervise Lee expedition, 61, 207; election set for delegates to, 81; opens ports to all nations, 102; new propositions from New York to, 118; authorizes New York to raise troops, 143; resolves to disarm Tories, 144; resolves formation of revolutionary governments, 146; debates independence, 166; requests New York furnish stores for Crown Point and Ticonderoga, 187; requests New York supply flour, 188; urges removal of stores and arms from Ticonderoga, 192; lends paper money to New York, 195; orders Jersey troops to disarm Queens Tories, 198; appoints Commissioners of Indian Affairs, 210

Convention of Representatives: orders Lewis Morris to return to command, 175-76; difficulties confronting, 183; creates Committee of Safety, 183; creates new commissary of provisions, 189; centralizes jurisdiction over military stores, 189; spurs textile production, 191; antiloyalist policies of, 201-3, 204; reaction to Vermont's petition for recognition as independent state, 209-10; appoints judges, 211; creation of, 213; defers debate on new form of government, 213-14, 222, 224; debates constitutional procedure, 214; mem-

Constitution (continued):

bership of constitutional committee, 214-17, 246-47; meeting of constitutional committee of, 217, 218 and n15, 219-20, 220-21, 223; secret committee to obstruct Hudson, 217 and n, 218, 219; political ideology of constitutional committee members, 217n10; desire for immediate election of interim governor, 217-18; debate on voting qualifications in constitutional committee, 241-42; debate on governor's powers in constitution, 242-43 and n; compromises on constitution among moderates and conservatives, 243; voting behavior of members on constitution, 244-48 and nn. See also Constitution; Provincial Congress; Safety, Committee of

Cooper, Rev. Myles: receives royal annuity, 53; accused of asking ministry for troops, 74

Correspondence, Committee of (New York city): formation of, 15; membership, 15n; management of tea party, 18-22; abandoned, 25

Covenhoven, Nicholas, 127, 131n78

Crawford, James, 64n6

Croghan, George, 210-11

Crown Point, N.Y., 187

Cruger, Henry, 8n11

Cruger, John H., 17n32, 129n

Cumberland County: formation of committee of inspection, 42; factors in delay of elections for Second Congress, 115; voting power in Third Congress, 182

Cumberland County Committee of Safety: factors in delay of elections for Provincial Congress, 115

Currie, David: appointed commissary of provisions, 189

Curtenius, Peter T., 34n86, 72n21: appointed commissary by Provincial Congress, 187; difficulties as commissary, 188; collects lead window weights, 190

Cuyler, Jacob, 122 and n, 127, 153

Dartmouth, William Legge, 2d Earl of, 57, 105; uses land grants as reward for political loyalty, 49-50; accused of bribery, 50-51; prohibits New York from sending delegates to Continental Congress, 81; approves plan for armed loyalist
Dartmouth, Earl of (continued):
association, 90; offers forfeited land to enlistees, 110
Deane, R., 74n25
Defense Association, 75; substance of, 63
De Lancey, James: accused of receiving bribe, 51
De Lancey, John, 26n64, 39n99
De Lancey, Oliver, 8n11, 16n, 129n, 131n78; Schenectady Church dispute, 7; denounces Watson, 66; accused of asking ministry for regular troops, 74-75; source of recruits for brigade of, 95, 97
De Lancey faction, 12n, 128; composition and role in 1773, 5-9; political supremacy, 7-9; loss of ground, 18, 22-24; reaction to Coercive Acts, 24-29; purpose in use of Fifty-One, 29-30; successes in Fifty-One, 31-35; disagreement over Continental Association, 36-37; defeat on Continental Association enforcement, 38-40; beginning of dissolution of, 40-41, 71; defeat of Whigs in legislature, 42-43, 52; charges of bribery against, 51; core of Toryism, 64; compromise in choice of Committee of One Hundred and delegates to Provincial Congress, 73-74. See also Tories; Loyalists; Political factions
Delaware River, 142
Denning, William, 72n21, 148n51, 149n, 243n92
Desbrosses, Elias, 39n99
DeWitt, Charles, 131n78, 202, 217, 225, 243n92, 247n102
Dickinson, John, 166
Drake, Joseph, 215, 243n92
Duane, James, 26n64, 31, 39n99, 99, 139, 211, 220n20, 221n24, 227, 243n92; example of transition from conservative to moderate, 71n20; insists upon delay until peace commissioners arrive, 1776, 140-41; opposes idea of constitution, 148 and n; excluded from nominations for Provincial Congress, 148, 149, 150; concerned about commotions of people, 174; opposes postponement of constitutional report, 222; reports completion of draft constitution, 223; directed by Committee of Safety to gather data on state's boundaries, 224; attendance at con-
Duane, James (continued):
stitutional committee meetings, 225; votes against £20 freehold restriction on voting in constitution, 242
Duer, William, 202, 214, 216, 219, 231, 247n102; appeals for militia reinforcements in Westchester, 204; complains of need for justice of peace, 211; moves to have constitutional committee report simultaneously bill of rights and constitution, 214; attendance at constitutional committee meetings, 225
Dunmore, John, Lord: relations with De Lancey faction, 8; orders seizure of Norfolk press of Holt, 58-59; “Minos” proposes hanging of, 135
Dunscomb, Daniel, 72n21, 243n92
Duryee, Abraham, 34n66, 72n21
Dutchess County, 182; Tory association in, 85-86; election for provincial convention in, 86-87; election of Provincial Congress in, 90; formation of district committees in, 90; Convention delegation opposes delay in constitutional committee's report, 222; Convention delegation voting behavior on constitution, 246 and n
Dutch Reformed Church, 50
Duyckinck, Gerardus, 39n99
Dyer, Eliphalet: describes situation in New York, 106, 139
Dyckeman's Bridge, 200
East India Company, 9, 10; and Tea Act, 3, 4
Elections. See Convention of Representatives; Provincial Congress; Constitution
Elliot, Andrew: seizes illegal cargo of weapons, 68-69
Embree, Lawrence, 39n99
Falmouth, Mass., 110
Fanning, Edmund, 48, 122
Fifty, Committee of: formation of, 26 and nn, 27-28. See also Fifty-One, Committee of
Fifty, Committee of: formation of, 26 tion of, 26-29; consensus on need for congress, 30-51; strife over delegation to Continental Congress, 31-32; resolutions on Coercive Acts, 32-35; dissolution of, 38; proposes enforcement of Continental As-
Fifty-One, Committee of (continued): association, 38-40; recommends formation of county committees of inspection, 42. See also One Hundred, Committee of; Sixty, Committee of
Fishkill, N.Y., 220
Flax: production encouraged by state, 191
Floyd, William, 147, 166n95
Fort Schuyler, 255
Fort Stanwix, 98
Fowler, Jonathan: seized by Sears, 59
Franklin, Henry, 47
Franklin family, 48
French, Philip, 48
French, Philip, Jr., 48
Gage, Gen. Thomas, 58, 62, 83, 91, 122, 128; enjoins Colden to silence on loyalist association, 90
Gaine, Hugh, 53
Galloway, Joseph, 99
Gansevoort, Leonard, 122 and n, 124, 202, 243n92; hears criticisms of delay in drafting constitution, 220; moves to have constitutional committee make report, 224; votes against 40s rental voting qualification, 241
Gates, Horatio, 98, 99
George III, 81, 124; proclaims colonies in rebellion, 100; October 1775 speech, 132; target of Whig criticism, 137-38
Germain, George, Lord, 39n99
Gloucester County, 115, 141, 179, 182; factors in delay of election for Provincial Congress, 116
Goelet, Peter, 39n99
Goforth, William, 39n98, 72n21
Goshen, N.Y., 117; election for Second Congress in, 113
Governor's council: meeting on tea, 12, 14, 16; consulted on assembly session, 62-63; considers James affair, 66; meets on Thurman-Harding affair, 67; meets in response to Lexington crisis, 76; criticizes aggressive tone of Colden's speech to assembly, 81; hears Smith's plan for regaining control of province, 121; discusses wisdom of assembly elections, 129, 132
Graham, Lewis, 199, 211, 243n92
Graham, Robert, 111
Grand jury: address to Court of Quarter Sessions, 66-67
Graves, Adm. Samuel, 105; says property holdings moderates views of Whigs, 175
Gunpowder: state offers bounties and loans for production of, 190
Guns: state offers bounties and loans for production of, 190
Haldimand, Gen. Frederick, 82
Hallett, Joseph, 72n21, 148n51, 149n, 188, 199
Hamilton, Alexander: Remarks on the Quebec Bill, 55; estimates Whig support, 99n92; possible author of "Monitor" letters, 136n10
Hamilton, Major Isaac: expresses fear of loss of garrison through desertion, 77
Hancock, John, 104
Harding, Robert, 67
Haring, John, 13ln78, 153, 154, 199; moves deletion of one of Smith's resolves, 126
Harpur, Robert, 247n104
Haverstraw, N.Y., 109; election for Provincial Congress, 113-14
Hemp: production encouraged by Provincial Congress, 191
Henry, John, 189
Heyer, Captain W., 74n25
Hicks, Whitehead: orders arrest of Sears and Willett, 67-68; transmits warning from governor to Committee of Safety, 105
Highlanders: membership in loyalist association, 90-91
Hobart, John Sloss, 122 and n, 216, 225, 247n102; and William Smith, Jr.'s conciliatory resolves, 123, 124-25, 126, 127, 128-29
Hoffman, Nicholas, 39n99
Holt, John, 53; pressured not to reprint Common Sense, 112-13
Horsmanden, Daniel, 8n11, 129n
Howe, Sir William, 58, 101, 143, 175, 182, 201; loyalist troop recruitment, 94, 95-96, 97, 254-55
Hughes, Hugh: complains of militia situation, 109; account of pressure on Holt to prevent reprinting of Common Sense, 112-13; prods Jay and McDougall on creating new form of government, 140
Huntington, Jedediah: describes expectation of change on independence in new Provincial Congress, 165n93

Imlay, J., 74n25
Independence: suggested as solution to colonial crisis, 138; G. Morris on, 151n, 152n, 162-63; debated in newspapers, 160-62, 251; Mechanics' petition to Provincial Congress on, 163-64; Virginia Provincial Convention solicits New York support for resolutions on, 165; New York delegation to Continental Congress and debate on, 166-67, 169; Provincial Congress debates question of, 167-69, 171, 172-77; conduct of Maryland's delegation on question of, 170; Continental Congress and, 170, 171; factors in success of Provincial Congress's Fabian tactics on, 172; radicals unable to mobilize population for, 172; Provincial Congress adopts Declaration of, 182, 213. See also Provincial Congress

"Independent Whig," 161
Intercolonial congress: proposal for, 29-30. See also Continental Congress

Ivers, Thomas, 39n99

Jay, John (continued):
Tories to continue sitting, 201; defends Provincial Congress's practice of choosing delegates to Continental Congress, 205; describes perplexity among deputies over problem of constitution, 213n

Johnson, David, 39n99
Johnson, Sir Guy, 210
Johnson, Sir John: recruitment of troops from tenantry, 91
Johnson family: encourages loyalist declaration in Tryon County, 85; seeks to obstruct election of district committees, 89

Johnstown, N.Y., 91

Jones, Samuel, 39n99
Jones, Thomas: advocates calling out militia, 76

Kelley, William, 10n18

Keteltas, Garret, 74n25
Keteltas, W., 74n25

Kings College, 50
Kings County, 182; election for Provincial Congress in, 116-17

Kissam, Daniel W.: complains to Provincial Congress about test oath on Tories, 209

Laight, Edward, 39n99

Lamb, John, 10 and n17, 27n66, 67, 72n21; chairman of December meeting, 15-17

Lasher, John, 23n, 72n21, 189

Lawrence, Captain, 9, 20n, 109-10

Lead mines: search for promoted by state, 190

Lee, Gen. Charles, 101, 132, 142, 207, 208; doubts loyalty of New York, 61; approaches city, 106; removes cannon from fort, 107; suggests appointment of issuing commissary, 188; imposes test oath on Long Island Tories, 208-9

Lee, Richard H., 174

Lee, William: accuses assembly of bribery, 51-52

Lefferts, Jacobus, 72n21
Leffertse, John, 131n78

Legislature: newspaper discussion of form of, 232, 233. See also Constitution; Convention of Representatives

Le Roy, J., 74n25

Lewis, Francis, 15n30, 27n67, 66, 72n21, 148, 153, 166n95, 169
Index

Lexington, skirmish at: effects of news of, 62, 69-71
L'Hommedieu, Ezra, 122 and n; on need for constitution, 148
Liberty Boys: initiation of opposition to Coercive Acts, 24-29; city's militia regiment described as, 76. See also Sons of Liberty
Lincoln, Charles Z.: analysis of drafts of constitution, 225-26
Lispenard, Leonard, 15n30, 26n64, 72n21; asserts city militia mainly Liberty Boys, 76
Livingston, Abraham, 188
Livingston, Gilbert, 122 and n, 124, 194, 217n, 243n92; receives data on blocking Hudson, 219 and n; moves for guarantee of individual's rights, 229
Livingston, Henry B.: comments on villainy of tenants, 103
Livingston, James, 245n92
Livingston, Peter, 131n78, 234; does not deliver instructions on disarming Tories to Albany Committee of Correspondence, 145; suspected by William Smith of wishing to nominate him for governor, 218
Livingston, Peter V. B., 26n64, 72n21, 196
Livingston, Philip, 12n, 14, 22, 26n64, 31, 34n86, 66, 72n21, 131n78, 148, 200, 243n92; differences with Sears, 15n: example of moderate group, 71n20: says Common Sense was written by Tory, 113; unexplained departure from Provincial Congress, 175; discusses nomination for governor with R. R. Livingston, 217-18; votes against £20 freehold restriction, 242
Livingston, Robert, Jr., 190
Livingston, Judge Robert R.: comments on Whigs in Tryon County, 89-90
Livingston, Robert R., Jr., 129n, 131n78, 140, 170, 183, 216, 217, 218, 219, 221n24, 225, 243n92, 247n 102, 248, 249: moves toward radical position, 139-40; and constitution, 147-48, 218n15, 222, 227 and n, 231: and independence, 166, 169, 176; expresses respect for Britain, 173: comments on G. Morris's absence, 175; depicts risks of revolutionary leadership, 176n129; role in plan for immediate election of governor, 217-18; proposes 40s rental qualification for voting, 241; explains L. Morris's action, 257
Livingston faction: minority position, 7-9; members among Sons of Liberty, 12n; aids governor, 18; advantage from tea party, 22-24; reaction to Coercive Acts, 24-29; and Committee of Fifty-One, 31-35 and nn, 38-40; maneuvers to capitalize on Continental Association, 37; transformation into Whigs, 41; realignment within in response to Lexington, 71; gains in representation on Committee of One Hundred, 73-74. See also Political factions; Whigs
Lloyd, Henry: question of confiscation of property, 145
Lloyd, John, 136
Locke, John, 136
Lockwood, Zephaniah, 243n92
Lockyer, Capt. Benjamin, 18; arrives with tea, 19; departs New York with tea, 21-22
Lott, Abraham, 195; resigns as tea agent, 12; delays handing over public money to Provincial Congress, 197
Lott, Abraham P., 72n21, 149 and n, 243n92
Low, Cornelius, Jr., 48
Low, Isaac, 12n, 26n64, 31, 39n99; visit to William Smith, Jr. about tea, 13; conference on tea with governor's council, 14; differences with Isaac Sears, 15n; chairman of May 16 meeting, 26-27; chairman of May 19 meeting, 28; example of conservative group, 72n20; presents resolution to define distribution of powers between New York and Continental Congress, 206
Loyalists: manpower for British army, 91-99 passim, 110, 256; resurgence in province, 103, 113-17; Provincial Congress resolution to disarm, 144; sent to New Hampshire jails, 202; offered act of grace, 203; estimates of in Queens and Kings, 256; in L. Morris's regiment, 256-57. See also Tories
Ludlow, Gabriel H., 39n99
Ludlow, William W., 39n99
Index

"Lycurgus": castigates Pennsylvania Assembly on question of independence, 160

McAdam, William, 39n99
McDouggall, Alexander, 10n17, 12n, 14, 15n, 21n, 23n, 26n64, 31, 34n86, 72n 21, 131n78, 147, 149, 150, 175, 207, 208; dissatisfied with New York's reaction to tea news, 13; on vote at tea rally, 17n32; leadership of opposition to Coercive Acts, 24-29; opposition to De Lanceyites in Fifty-One, 31-35; chairman of meeting on Boston Port Act, 32; desires to send troops to Queens to disarm Tories, 108; complains of militia situation, 109; describes hasty dissolution of Provincial Congress, 111; urges Holt not to reprint Common Sense, 112; explains poor attendance at Provincial Congress, 117; opposes assembly's consideration of North's resolution, 122; and Smith's conciliatory resolves, 123, 125-27; worries about licentiousness and army, 174; explains legislature's decision not to levy taxes, 196; on Lee's movement to New York, 207

McEvers, Charles, 39n99; censures activists, 33n85

McKesson, John, 226; urges G. Clinton to attend Convention, 217n; makes copy of constitution draft, 221; describes Jay's draft of constitution, 228

Maclean, Col. Allen: sponsors armed loyalist association, 90-91

Malcolm, William, 149

Mamaroneck, N.Y., 111

Marschalk, A., 74n25

Martin, Josiah, 48; proclamation in Rivington's Gazetteer, 57-58

Maryland: delegation's conduct on independence question, 170

Massachusetts, 13, 24, 30, 31, 32, 78, 103, 104, 209

Matthews, David, 48

Mechanics: role in tea party, 21n; political role, 23n; voting qualifications aimed at, 241

Mechanics, Committee of, 23n; appearance of, 27 and n66; opposes De Lancey faction in Committee of Fifty-One, 31-32; objects to Fifty-
Index

Morris, Lewis, 131n78, 175-76, 216; refuses to return to regiment, 175-76, 256-57
Morris, Richard, 211
Morris, Roger, 8n11
Mulligan, Hercules, 39n98, 72n21
Munitions: procurement of, 190-91
Murray, Lindley, 39n99
New Connecticut. See Vermont
New Hampshire, 202, 209
New Hampshire grants: conflict over as factor in revolutionary organization, 115-16. See also Vermont
New Jersey, 142
Newkirk, Benjamin, 243n92
New Paltz, N.Y., 99
Newspaper opinion: expresses determination to resist Great Britain, 134-38
New York (city), 180, 182; committee of correspondence chosen in, 15; tea party in, 18-22; strength of Whigs in, 65-79; events following news of Lexington in, 69-75; evacuation of British garrison from, 77; migration and loyalty of people of, 78-79; population statistics of, 78-79 and nn; threat of bombardment by British of, 105-6; demand for right to elect delegates to Continental Congress, 205; Convention delegation voting behavior on constitution, 241, 242, 246 and n
New York (province): political structure in 1773, 5-9; significance for British of, 45; royal administrative machinery in, 45-46; influence of royal administration in legislature, 46-47; royal administration's use of pressure tactics in, 47-48, 49-52; merchants' connections with royal administration, 48-49; other colonies' suspicions of, 60-61; strength of Whigs in, 79-99 passim; military service as criterion of political ideology, 91-99 and nn; population statistics of, 93 and n73; loyalist reaction in, 103, 113-17; assembly election of 1776, 130-31
New York Assembly: refuses approval of Continental Association, 42-43; royal influence in, 46-47, 51-52; De Lancey discussion of probable voting behavior of members of, 52; Whig maneuvers to obtain approval of Continental Congress, 79-80; New York Assembly (continued): election of 1776, 130-31; prorogation, 1776, 132
Nicoll, Charles, 39n99
Nicoll, Francis, 122 and n
Nonimportation: proposal for, 25 and n; discussion of circumvented, 28. See also Continental Association
North, Frederick, Lord, 4, 103, 118, 122, 128, 135, 137, 140; conciliation resolution of 63; faith of questioned in press, 138
Norwood, Richard, 188
One Hundred, Committee of: seeks to suppress charge of bribery, 51; formation of, 72-75; ticket in election for Provincial Congress, 148-50; condemns Morris's attack on Scott's right to seat in Convention, 216. See also Fifty-One, Committee of; Sixty, Committee of
Orange County, 116, 182; elections for Provincial Congress, 113-14; demand for right to elect delegates to Continental Congress, 205; Convention delegation voting behavior on constitution, 246 and n
Orange Town, N.Y.: election for Provincial Congress, 113-14
Oriskany, battle of, 255
Outwater, Thomas, 114
Paine, Thomas: Common Sense, 112, 137, 138, 160
Palatine district (Tryon County): election for First Provincial Congress, 89
Palatine district committee: denounces loyalist declaration, 85
Paper currency: Provincial Congress considers feasibility of, 192; Provincial Congress votes to emit, 194; New York and Continental bills, 195. See also Provincial Congress; Taxation
Paris, Isaac, 114, 131n78, 243n92
Parker, Capt. Henry, 106
Parks, Arthur, 243n92
Parliament, 132, 137; role in William Smith's proposals, 119-20; "Independent Whig" dismisses friends of America in, 161
Parliamentary supremacy: colonial ideas on, 137
Paulding, William, 211-12, 217n
Peace commissioners, 138, 147
Pearsall, Thomas, 39n99
Peekskill, N.Y., 211
Pell, John, 74n25
Pennsylvania Assembly: castigated by “Lycurgus” on independence, 160
Philadelphia, Pa., 10, 11, 13 and n, 15, 17, 19, 31, 35, 142, 167, 169, 170, 171; resignation of tea agents in, 11
Philipsburg, Manor of: tenants and provincial convention election, 88
Philipse, Frederick, 51, 86, 88
Phoenix, David, 72n21
Platt, Jeremiah, 39n98, 72n21
Platt, Zephaniah, 202, 243n92
Political factions: anatomy of, 5-6; composition of, 6-7; imperial dispute as an issue for, 22; reaction to Coercive Acts, 24-29; shifting grounds of hostility among, 40-41. See also De Lancey faction; Livingston faction; Tories; Whigs
Political ideology. See Conservatives; Moderates; Radicals; Convention of Representatives; Provincial Congress
Post, W., 74n25
Poughkeepsie, N.Y., 99; vote for provincial convention, 86, 87
Poverty: colonial ideas on, 134-35
Power, distribution of: newspaper discussion of, 232, 233
Presbyterian church: political considerations in charter request, 50
Presbyterian party, 6-7. See also Livingston faction
Prince, Samuel, 148n51, 149n
Prohibitory Act, 101
Provincial Congress: elections of, 62, 89-90, 113-17, 148-50, 179, 181; promotion of Defense Association, 63; elaborates governmental structure, 63, 183-84, 194, 196, 211; vacillation of, 102-6, 109-10, 111-12, 142, 171; fails to reassure governor, 110; and Tory problem, 111, 143-44, 145-46, 197-201, 204; military supply problems of, 111, 186-91 passim; considers Smith’s resolutions on conciliation and assembly, 118-29; passim; June 1775 instructions to deputies at Continental Congress, 118n 48; criticized by “Monitor,” 135-36; election of Third as indicator of political mood, 141: quorum problem, 141, 179-80, 181; recruitment of line regiments by, 143, 184; and constitution, 150-59 passim; and in— Provincial Congress (continued): dependence, 163-64, 165, 166-69, 170-71, 172-77, 182-83; nerve center of revolutionary movement, 178; problem of length of session of, 180, 181 and n, 182; county voting power in Third, 180, 182; change in composition of, 181, 182; consideration of key problems by Third, 182; organization of militia by, 184-85, 186; encourages privateering, 186; sources of funds, 191-92, 193-94, 195, 196, 197; and paper currency, 192, 195; proposes Continental Congress tax on tea, 193; power relationship with Continental Congress, 205, 206-10; and Indian affairs, 210. See also Constitution; Convention of Representatives; Provincial Convention; Safety Committee of; Tories; Whigs
Provincial Convention: election of, 44, 86-88; chooses delegates to Continental Congress, 44; meeting of, 178-79
Putnam, Israel, 222
Queens County, 115, 141, 182; formation of district committees in, 42; refusal to elect delegates to Provincial Congress, 117; Whigs win assembly seats in, 131
Queens Village, N.Y., 145
Index

Radicals, 128; definition of, viii, ix, 71 and n20, 231; social base of, 2; role in opposition to Coercive Acts, 24-29; resolutions on Boston Port Act, 32 and n; resignation from Committee of Fifty-One, 33-34; compromise with Fifty-One, 35 and nn: representation on Committee of Sixty, 39 and nn; frustrated attempt to break Continental Association, 65-66; free Sears from arrest, 67-68; representation on Committee of One Hundred, 72-73; ticket in election for Provincial Congress, 73-75, 148-50; advocate seizure of Tryon, 104; city warned against by “Sober Citizen,” 149-50; and constitution, 158, 235, 236-40, 249; attitudes in newspapers toward independence, 160-62; inability to bring pressure to bear on Provincial Congress, 172. See also Conservatives; Mechanics, Committee of; Moderates; Sons of Liberty

Randall, Thomas, 72n21, 148n5l, 149 and n

Rapalje family, 48
Ray, John, 149
Ray, Robert, 72n21, 149 and n
Rea, Matthew, 243n92
Reade, Joseph, 8n11

Refugees: Convention provides weaving and spinning for, 191
Remsen, Henry, 39n99, 149, 150, 153, 168-69, 199

Revolution: contradictory image of New York in, 1; historiography of, 2; dynamics of, 2, 252-58

Revolutionary government: newspaper debate on, 146-47. See also Provincial Congress; Safety, Committee of: Sixty, Committee of: One Hundred, Committee of: Convention of Representatives

Rhinelander, Frederick, 47
Rhinelander, William, 47
Rhinelander family, 48

Rhode Island, 146
Richardson, James, 77

Richmond County, 115, 182, 194, 206; refusal to elect delegates to Provincial Congress, 117; Tories win assembly seats in, 131
Ritzema, Rudolph, 72n21; urges harsh anti-Tory policy, 108
Rivington, James (continued): royal annuity, 53; denounced by Whigs, 53-54; incurs anger of Sixty, 54; flight from Whigs, 55; revises tone of paper, 55; Tory flavor of newspaper, 55-56; wreckage of press, 56-60

Robertson, Brig. Gen. James: testifies before governor’s council, 67; estimates population of city, 79; testimony of loyalists, 99

Rogers, Robert, 48
Roome, John, 39n99

Roosevelt, Isaac, 72n21, 127, 148n51, 149n; and T. Smith’s resolves, 125, 126
Roosevelt, Nicholas, 72n21

Rutgers, Adrian, 149
Rutgers, Anthony, 148n51, 149n, 243n92

Rutledge, Edward, 166, 175, 176; implies New York Continental Congress delegation opposes independence, 166n95; informs Jay of course of arguments over independence at Philadelphia, 170

Rye, N.Y., 111

Sackett, Nathaniel, 202

Safety, Committee of: warned by Tryon of possible bombardment, 105; alarmed by Lee’s approach, 106; examples of timidity of, 108-9; and Tories, 108, 144, 145; warning to county committees on assembly election, 130; checks on supplies for British ships, 142; charges British with bad faith in molesting city vessels, 142; origin of, 180; functions of, 181; and military administration, 188, 189; creates committee to draft regulations for Indian relations, 211; prods constitutional committee, 223. See also Convention of Representatives; Provincial Congress

St. Leger, Barry, 98, 255

Salt peter: manufacture promoted by state, 190-91

Sands, Comfort, 72n21, 148n51, 149, 207; moves deletion of one of Smith’s resolves, 126; moves amendment to Scott’s motion on constitution, 152-53

Sandy Hook, 142

Schenectady Dutch Reformed Church, 7
Schenk, Henry, 243n92
Schoharie, N.Y., 99
“Schuyler”: on Jay’s role in drafting constitution, 227
Schuyler, Philip, 111, 129n, 143, 174; opposes seizure of Tryon, 104; comments on cost of war, 187; requests reinforcements, 202; apprehensive over delay in drafting constitution, 223
Scott, John Morin, 15n30, 22, 72n21, 124, 148n51, 153, 154, 199, 207, 208, 216, 221n24, 225, 247n102, 249; attacks resolutions of Fifty-One, 34n87; castigates Tryon, 123; not invited to Simmons Tavern conference, 123n; amends Smith’s resolves, 125-26; presents resolution to oppose assembly’s consideration of Lord North’s motion, 126; analysis of actions in Provincial Congress by William Smith, Jr., 127; suspicions of Thomas and William Smith, 128-29; proposes Provincial Congress draft constitution, 151-52; presents resolution to approve proceedings of Continental Congress, 206; moves to allow Lee expedition into New York, 207; right to seat in Convention challenged, 214-15; postponement of constitutional report advocated by adherents of, 222; right to seat in constitutional committee challenged, 246
Seabury, Rev. Samuel: seized by Sears, 59; appeals to legislature to smash revolutionary committees, 84-85; leads Tories to polls, 88
Seaman, Benjamin, 131n78
Sears, Isaac, 10 and n17, 12n, 21n, 26n64, 31, 34n86, 48, 72n21, 102, 105, 149, 188; dissatisfied with New York’s reaction to tea news, 13; leadership of tea rally, 14-15; on vote at tea rally, 17n32; leadership of opposition to Coercive Acts, 24-29; opposes De LANCEY in Fifty-One, 31-35; destruction of Rivington’s press, 56-60; arrested by mayor, 67-68; proposes capture of Tryon, 104; desires strong action against Westchester Tories, 111; praised for role in defensive preparations, 139 and n; carries out Lee’s orders for imposition of Tory test oath, 209
Sears, Isaac, Jr., 48
“Sentinel”: urges isolation of British ships, 106-7; nominates slate for Provincial Congress, 148-49
Serle, Ambrose: describes newspapers’ influence in New York, 162n85
Sharpe, Richard, 39n99
Shaw, Charles, 39n99
Sherbrook, Miles, 39n99
Sherwood, Isaac, 243n92
Six Nations, 210
Sixty, Committee of, 46; formation of, 38-40; calls for election of provincial convention, 44, 178; clashes with Rivington, 54; calls for election of Provincial Congress, 62, 179; James affair and, 65-66; forbids shipment of supplies to Gage, 67; reaction to news of Lexington, 69-70; conflict over election of successor committee, 72-75; promulgates Defense Association, 75; calls meeting to clear White and De LANCEY of accusation, 75. See also Fifty, Committee of; Fifty-One, Committee of; One Hundred, Committee of
Skene, Philip, 50n18, 52
Smith, John W., 74n25
Smith, Melancton, 111, 203
Smith, Thomas, 72n21, 117, 243n92; negotiates with Scott for new instructions for Continental Congress delegates, 121; arranges meeting of congressional deputies and William Smith, Jr. at Simmons Tavern, 122; introduces conciliatory resolves to Provincial Congress, 122-23; moves to instruct New York delegation to Continental Congress on conciliation, 124: moves to instruct New York delegation to Continental Congress on conciliation, 124; resolves basically amended, 124-25; factors in defeat of resolves in Provincial Congress, 128-29
Smith, William (of Suffolk), 131n78, 217, 221n24, 225, 247n102
Smith, William, Jr., 8 and n11, 48, 117; Schenectady Church dispute, 7; visit by Sons of Liberty about tea, 12-13, 14; comments on Tryon’s decision on tea ship, 18n: prevails on council to investigate Thurman and Harding affair, 67; opposes calling out militia, 76; describes receptions of Tryon and Washington, 78; comments on Colden’s boldness, 80; at council meeting on Dartmouth’s instructions, 81; letter to Haldimand quoted, 82; con-
Index

Smith, William, Jr. (continued):
suited by Schuyler about plan to seize Tryon, 104; plan to break continental union and restore royal control of New York, 118; solution for problem of colonial taxation, 119-20; motivation in advocacy of assembly petition to Parliament, 120n; desires to have assembly consider North's conciliatory proposal, 120-21; launches effort to restore royal control, 121; private meeting with congressional deputies, 122; analyzes defeat of brother's resolves in Provincial Congress, 127; advises Tryon to call for election of new assembly, 129; notes impact of news of King's speech, 132; cautions Schuyler about military adventurers, 174; remarks on risks of Whig leadership, 175; suspects P. R. Livingston offers gubernatorial nomination to him, 215; advises Schuyler to attend Convention, 218n14; copies radical proposal for constitution, 235

Smith, William, Sr., 48

"Sober Citizen": warns of split in revolutionary movement, 149-50

Sons of Liberty: reaction to news of tea shipment, viii, 9-10; movement to boycott tea, 11-12; demand resignation of tea agents, 12 and n; leadership of, 12n; opposition to storage of tea, 12-13: committee on tea confers with William Smith, Jr., 12-13; discord among over tea, 13-15; role in formation of committee of correspondence, 15-17; use of name by radicals, 73-74. See also Radicals

South Carolina General Committee: comments on royal influence in New York, 46

Sparks, Jared, 230

Stirling, William Alexander, Lord, 144, 208

Stoutenburgh, Isaac, 74n25, 148n51, 149n

Suffolk County, 42, 182

Sulphur: search for deposits promoted by state, 190-91

Swartwout, Jacobus, 203

Tappen, Christopher, 217n, 243n92

Taxation (continued):
sort to, 192; Provincial Congress suggests Continental Congress institute, 193; defeated in Provincial Congress, 193-94; factors militating against, 195-96. See also Provincial Congress

Tayler, John, 243n92; hears criticisms of delay in drafting constitution, 220

Tea: Act of 1773, 3-4; colonial consumption of, 4 and n; political ramifications of Act of 1773, 4-5; plans for shipment of, 9; difference of opinion over tax on, 10; response to news of shipment of, 10-11; boycott movement against, 11-12; Governor Tryon's proposal to store, 12, 13, 14; resignation of agents, 12; rally to oppose landing of, 14-17; reaction to news of Boston Tea Party, 17-18; result of vote at rally, 17n32; New York Tea Party, 18-22. See also East India Company; Sons of Liberty

Tenantry: new leases demanded by, 103, 173n117

Ten Broeck, Abraham, 131n78, 243n92

Ten Broeck, John, 199

Ten Eyck, Andrew, 48

Ten Eyck, Peter, 48

Thomas, John, Jr., 111, 131n78

Thomas, Thomas, 215

Thompson, William, 139

Thurman, John, 39n99

Thurman, Ralph, 67

Ticonderoga, 83, 187, 202

Tories: usage of term, 40-41; check formation of county committees, 42; supported by Rivington's newspaper, 53-60 passim; and De Lancey faction, 64; socio-economic composition of, 64; defeated in contest over James, 65-66; successfully defend Elliot in arms incident, 68-69; estimated strength in New York city, 78-79, 254; worried over possible defeats in assembly, 79-80; tactics against Whigs, 83-84; efforts to rally popular support, 85-86; opposition in elections, 86-87, 88, 89, 90, 117, 130-31; attempt formation of armed loyalist association, 90-91; military service as criterion of strength of, 91-99 passim; disarmed, 91, 108, 131, 144, 145-46, 198; esti-
Tories (continued):
mates of military manpower of, 94-95 and nn; recruitment of from prisoners by duress, 95-96; report Whig vacillation, 112; strive to detach New York from continental union, 118-29 passim; decision on permitting legislature to meet, 132; accused of desire for absolute monarchy, 137; confiscation of property of, 145, 204; fear coming of independence, 162; in Third Provincial Congress, 181; arrest and trial of, 198, 200; plots of, 199, 200; activity around Albany, 202; test oath for, 208-9; minority position of, 250.

See also Loyalists; De Lancey faction

Totten, Joseph, 39n99
Totten-Crossfield purchase, 50
Townsend, Samuel, 131n78, 217, 225, 247n102
Tredwell, Thomas, 199
Troops: recruited by Provincial Congress, 143, 184-85. See also Provincial Congress

Trumbull, Jonathan, 60
Tryon, Gov. William, 13, 55, 103, 109, 122, 123, 124, 197; independent of De Lancey faction, 8; and tea shipment, 12 and n, 16-18; departs for Britain, 19; approves land patents in Vermont, 48; instructions from Dartmouth on land, 50; discusses destruction of Rivington's press, 57; popular acclaim upon return from Britain, 77-78; on royal strength in New York, 82, 83, 254, 257; seizure of proposed by radicals, 104; warns Committee of Safety of possible bombardment of town, 105, 106, 107; permits Lee to remove cannon from fort, 107; demands Provincial Congress guarantee safety, 110; approves William Smith, Jr.'s idea for election of assembly, 121; urged to return to city by Provincial Congress, 123; letter to people discussed, 128; consults council about calling elections for assembly, 129; and decision on permitting legislature to meet, 132; plans partial blockade of port, 142; plans use of Tories against Washington, 200; recruitment of loyalists, 254-55. See also Governor's council

Tryon County, 99, 182; formation of district committees in, 42; election to Provincial Congress in, 89, 114; source of sulphur, 190-91; Convention delegation voting behavior on constitution, 246 and n

Tryon County Committee of Safety: formation of, 89; difficulty of ensuring attendance at Provincial Congress of, 114; comment on loyalist strength, 255

Tucker, T., 74n25

Ulster County, 182, 194; formation of county committee of inspection in, 42; seizure of Tory arms in, 144-45; demand for right to elect delegates to Continental Congress, 205; Convention delegation voting behavior on constitution, 242, 246 and n

Underhill, Nathaniel, 59
Ustick, William, 39n99

Van Cortlandt, John, 72n21, 122 and n, 148n51, 149n
Van Cortlandt, Pierre, 86, 131n78, 202, 248n92
Vandeput, Capt. George, 105
Van Derbilt, John, 127
Vandervoort, Peter, 74n25
Van Horne, David, 15n30, 39n99
Van Ranst, L., 74n25
Van Rensselaer, Jeremiah, 220
Van Rensselaer, Robert, 122 and n, 131n78
Van Schaack, Peter, 39n99
Van Voorhees, Jacob, 38n97, 39n99
Van Wyck, Theodore, 74n25
Van Zandt, Jacobus, 9n98, 72n21, 127, 148n51, 149n
Van Zandt, Peter Pra, 74n25, 148n51, 149 and n, 150, 243n92
Vardill, Rev. John, 50n18
Veeder, Volkert, 243n92

Vermont: land grants in, 47, 48; land controversy with New York as factor in revolutionary organization, 115-16; petition to Continental Congress for recognition as independent state, 209-10. See also Provincial Congress

Virginia: resolutions on independence, 163, 165, 166
Voting qualifications: for Provincial Congress, 180; newspaper discussion of, 232-33. See also Constitution; Convention of Representatives

Index
Index

Wallace, Alexander, 26n64, 39n99
Wallace, Hugh, 8n11
Walton, Abraham, 15n, 26n64, 39n99, 188
Walton, Jacob, 112
Walton, William, 26n64, 39n99
Washington, George, 55, 101, 104, 172, 181, 207, 219; reception in New York city, 78; orders Lee to defense of New York, 101; interdicts traffic between city and British vessels, 107, 143; warns Provincial Congress of lack of prospect of conciliation, 109; communicates intelligence of Tory plots to Provincial Congress, 199, 200; given temporary authority by Provincial Congress to seize Tories, 201
Waterbury, David, 208
Watson, Capt., 65-66
Watts, John, 8n11, 14, 16n, 52, 74, 75
Westchester, Borough of, 131
Westchester County, 182; Tory association in, 85-86; election for provincial convention in, 87-88; Convention delegation voting behavior on constitution, 246 and n
Whigs: usage of term, 41; stimulate formation of county committees, 42, 141; failure of efforts in legislature, 42-43; decision to call for election of provincial convention, 43-44; socio-economic composition of, 65; strength in New York city, 65-79; weakness in arms incident, 68-69; encourage desertions among royal troops, 77; maneuvers in assembly to obtain approval of Continental Congress, 79-80; strength outside New York city, 79-99 passim; employment of troops to suppress, 83; election campaigns of, 86-87, 88, 89, 90, 113-17; military service as criterion of strength of, 91-99; estimates of military manpower of, 92-94 and n; discouragement and fear of, 100-12 passim, 135-36, 251; vacillation in Provincial Congress, 102-6; alarmed by Whigs (continued):
Lee's measures, 107; and Tory plot in Westchester, 111; proposals in Provincial Congress for election of new assembly, 118-29; vigorous campaign in assembly elections, 130-31; claim as champions of constitutional monarchy, 137-38; majority position of, 250, 251. See also Livingston faction
White, Henry, 8n11, 12 and n, 18; accused of asking ministry for troops, 74-75
White, John, 38n97, 39n99
White Plains, N.Y., 171; election incident, 88
Wilkins, Isaac, 88, 112
Willett, Marinus, 67
Wills, William, 114
Wilson, James, 166
Wisner, Henry, 166n95, 217, 221n24, 225, 243n92, 247n102; receives data on blocking Hudson, 219; complains about lack of progress in constitutional committee, 221
Woodhull, Nathaniel, 122 and n, 131n78, 148, 215
Woodward, John, 59, 74n25
Wool: production encouraged by state, 191
Wooster, David, 60-61, 104
Wythe, George, 174
Yates, Abraham, Jr., 131n78, 217, 225, 247n102: comments on land grants and administration favors, 47 and n; notifies Committee of Safety of completion of draft constitution, 223: attributes delay in drafting constitution to politics, 230n57
Yates, Christopher, 131n78
Yates, Richard, 39n99
Yates, Robert, 183, 217, 218, 219, 221n24, 225, 246n101, 247n102; directed by Committee of Safety to gather data on state's boundaries, 224; explains failure to draft bill of rights, 229n
Young, Hamilton, 39n99